Legislative Assembly of Alberta

The 22nd Legislature
Third Session

Select Special Committee on Constitutional Reform

Subcommittee A

Transcript of Public Hearings

Volume II

September 9 to 13, 1991

Legislative Assembly of Alberta

The 22nd Legislature

Third Session

Select Special Committee on Constitutional Reform

Subcommittee A

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Select Special Committee on Constitutional Reform

Subcommittee A

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9:08 a.m. **Monday, September 9, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to get under way. This is our second round of hearings on the Constitution. The Alberta select committee of the Legislature spent the latter part of May and early June in discussions with Albertans. Since there still was a considerable number of people who had indicated their wish to give us their views, we decided to hold two additional weeks of hearings. This is the first of those weeks, starting today, September 9, concluding in Calgary on Friday this week. We will also be going to Peace River and Rocky Mountain House. Then later in the month, on the week of the 23rd, we will also be conducting a further week of discussions. We'll be going to, I think, Edmonton and Calgary again and then to Wainwright and Hanna. We hope that will by then give us the views of Albertans in a way that will give us the opportunity of formulating a position paper to take to our Legislative Assembly later on.

As was indicated publicly earlier, we decided at a full meeting of the select committee to invite leaders of aboriginal groups to meet with us in a round table discussion. I have communicated with those groups, but we have not yet finalized that particular portion of our discussions. We'll advise the public when we have reached that conclusion.

I'm Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat, and I am the chairman of the select committee. I should point out that there are 16 members on the select committee, but in order to hear as many people as possible, we split the committee into two panels and conducted the first eight days of hearings concurrently earlier this year. We are doing the same this time, but this panel will hear this week, and the second panel will conduct the second week of public hearings.

Starting on my left, I'd like to have the other members of the panel introduce themselves as well.

MRS. GAGNON: I'm Yolande Gagnon, Calgary-McKnight.

MR. CHIVERS: Barrie Chivers, Edmonton-Strathcona.

MS BETKOWSKI: Nancy Betkowski, MLA for Edmonton-Glenora.

MR. ADY: Jack Ady, MLA for Cardston.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. CHAIRMAN: On my left is Garry Pocock, the secretary of the committee.

We will have, I think, two additional members of the panel joining us later on during the course of the day. As I say that, may I introduce the Hon. Dennis Anderson, MLA, Calgary-Currie, who is joining us on this panel as well.

Now I'd like to get these proceedings under way. I'd point out that we try and limit the presenters to 15 minutes. That includes some time for discussion, we hope. We have some flexibility in our time, but we do try and keep matters moving along as quickly as possible. We'd ask that we have the co-operation of the presenters and members of the panel in order to make sure that everybody can be heard.

I'll call first on Myrna Kostash. Would you like to come forward, please.

MS KOSTASH: Good morning. I speak for the Alberta members of the Writers' Union of Canada, but I am in fact sitting on the national council of the Writers' Union of Canada, given the portfolio of cultural sovereignty, which is why I've asked to speak to this committee. I've timed this; it takes 10 minutes. By the way, I asked to speak first thing this morning assuming that we'd all still be wide awake.

The problem. In presenting his February 1991 budget, then Minister of Finance Michael Wilson served notice that the federal government was planning to withdraw to an alarming extent from cultural funding. Subsequently, in a meeting attended by Writers' Union of Canada Chair Trevor Ferguson, outgoing Minister of Communications Marcel Masse asked for a reaction to the proposal that the department get out of cultural funding entirely and relinquish its jurisdiction over culture to the provinces. Then in swift succession have come two new Tory initiatives which have raised the alarm throughout the cultural sector: one, the opening of the trilateral or continental free trade talks among the U.S., Canada, and Mexico, accompanied by the inept and arrogant statements of the American trade representative, Carla Hills; and two, the highly private exercise being carried out by a committee of federal deputy ministers entrusted by the Prime Minister to evolve a constitutional strategy for keeping Quebec in Canada. This secrecy has inevitably provoked all kinds of speculation about what that strategy is and how it will affect culture. As the Canadian Conference of the Arts says:

> The deputy ministers have worked out at least one scenario whereby Ottawa will retain the technological side of communication policy and certain cultural heritage responsibilities . . . Under this scheme, all other federal cultural responsibilities would devolve to the provinces.

Now, in a nutshell, the culture sector is feeling itself caught in a pincer movement from two forces: the predatory ambitions of the United States in the free trade talks and the willingness of the federal government to abdicate entirely to the provinces in the constitutional round as far as cultural programming is concerned.

There's been no hard information after six months of rumour, conjecture, speculation nor one piece of paper which outlines where the government is heading on this question or the status of its proposals within the policy development process. What we do have are the eruptions of concern and hysteria from the cultural sector and then other volcanic eruptions in the press whereby the Prime Minister or the minister of culture deny that any such thing is being contemplated. There still exists nothing in the way of a policy statement one way or the other.

We simply don't know at this time whether a federal proposal to abdicate from cultural funding will come with funding attached to the devolved programs or whether that would involve transfer payments or tax points and how it will respond to a situation in which a given provincial government will have been handed the obligation to support culture but not the means to carry it out.

Now, how we at the Writers' Union see it. The Writers' Union sees an intimate, indeed necessary, relationship between devolution and the free trade agreement. When the Prime Minister advises Canadians that we are overgoverned and that we must achieve efficiencies in the functioning of the federation by eliminating overlapping jurisdictions, we smell a rat; namely, increased pressure from the Americans in the trilateral round for

Canada to remove certain trade irritants and impediments left over from the first round. The removal of these irritants and impediments will be tantamount to the limitation of federal governmental capacity to define and pursue national development goals. A federal government stripped of much of its powers to generate national policy in crucial areas such as culture is obviously in a very weak position to defend Canadian national public as opposed to corporate or sectoral interests.

9:18

As it turns out, trade minister Michael Wilson is not unaware of the threat. In reaffirming his government's insistence that culture remain off the table in trilateral free trade talks, he has pointed out that the "capacity of Canadians to reflect their nationhood to each other has never been more important." We assume he's referring here to this constitutional crisis in which we find ourselves and the strategic place of Canadian artists in it. But the Writers' Union takes note of a reality which gives the lie to Mr. Wilson's assurances. That is the notorious exemption clause in the free trade agreement which allows retaliation of equivalent commercial effect in the event the Canadian government were to intervene to improve, say, distribution of Canadian books in Canada. This exemption guarantees American access at the current exorbitant level to Canadian mass media markets and represents, in the words of the Writers' Union Chair, Susan Crean, "a permanent lien on our ability to make cultural policy for our people in our own interest." So the Writers' Union position is that the devolution scenario, for all its secretiveness, begins to take on a certain sinister clarity. The strategy of devolving to the provinces primary responsibility for culture is not so much about placating Quebec as about fulfilling the terms of the free trade agreement.

Now reasons why the Writers' Union supports a national cultural policy. We believe that a forceful case can be made for the positive effect of federal government intervention in cultural programming and spending. As recently as 1987 a Tory culture minister, Flora MacDonald, argued that public spending on culture makes it possible for Canadians to choose our own literature and opinion and images as well as to consume American ones. Federal cultural agencies such as the Canada Council allow cultural officers and advisors to develop truly national perspectives on the implementation of policy and, thanks to this perspective, to provoke in the provincial and private sectors a corresponding sense of involvement in large policy issues. In other words, we aren't just members of a community of communities. Something new is produced by this interaction of governments which is more than the sum of its parts. It's a national culture which synthesizes pluralities and difference.

The application of federal cultural policy has been flawed in the past and has aggrieved cultural workers, but it has worked brilliantly in this sense: that it allows decisions to be made by a plurality of agencies acting with different mandates. We have in Canada, in short, crafted a mechanism which incorporates checks and balances through overlapping and complementary programs, precisely that problem of overlapping jurisdictions and duplications that the federal government seems to be so worried about. As Susan Crean argues, this kind of pluralism is absolutely essential in cultural funding where the decisions are qualitative and subjective and where safeguards are needed to ensure flexibility and fairness. Writers in the so-called regions have shuddered at the possibility of being thrown on the mercy of our respective provincial governments, the same ones that call lottery funds a spending policy and incorporate culture programs into a family foundation and punish local publishers whose politics they don't like.

To argue that only one level of government is appropriate or necessary is absurd. "Administrative efficiency" is then just another word for "decentralization" and with it the failing capacity of the country to speak to itself among all the regions and governments. We are talking about an ecology of the community and nation.

What abdication looks like. It follows, then, that in our opinion exclusive control of culture at the provincial level would be a disaster not only for the reason that artists in this country are financially unstable at the best of times and to be confined to a single source of funding would be lethal given the increasing pressures on that source from the fallout from the FTA, the recession, and the GST but for the difficulty, too, that some provinces might have in meeting their cultural spending obligations. The network of federal institutions, programs, and policies also forms a bulwark, such as it is, against the pervasive and virtually irresistible influence of American mass media. It is difficult to imagine how provincial governments, for all the importance of the part they play in supporting regional culture, can fend off such a systemic threat.

Devolution, in fact, is redundant. There is nothing in the present complex of federal/provincial division of powers which prevents any government at any level from involving itself in cultural policy and programs. Except for broadcasting, there's no exclusivity of jurisdiction. There's not been any great public outcry for the provincialization of federal cultural jurisdiction; in fact, the governments of Ontario, P.E.I., and Nova Scotia have declared their refusal to accept more control. The Writers' Union therefore concludes that the status quo works and that the multitiered structure of cultural funding, being flexible and adaptable, is adequate to the cultural sector's needs. This is not to say, however, that it's adequately financed. It allows decisions to be made by a plurality of agencies acting with different mandates. This is, in short, a mechanism of checks and balances through overlapping and complementary programs. Our position, therefore, is to demand not the dismantling of this structure but the investment of political will and having it work and the restoration of funding to it.

Just a word about the Quebec question, which we have designated a false parallelism. Quebec being a distinct society and a national community, it is false parallelism to force the cultural arrangement negotiated with it on each of the other provinces one by one. Quebec is not just another province. As the Association of Canadian Publishers director, Roy MacSkimming, has said, "Whatever you do with Quebec, don't think the rest of the country should be treated the same way." The Writers' Union therefore takes the position that the people of Quebec have the right to negotiate their own accommodation with the federal government whether inside Confederation or not, that English-speaking Canada is also a national community which, along with Quebec and the First Nations, has the right to national cultural institutions and policies. By the way, the Union des écrivains québécois, the Union of Quebecois Writers, takes the same position. The devolution agenda for constitutional reform poses a serious threat to all three communities and must be resisted.

Then to conclude, just a couple of citations. In case you think members of the Writers' Union are a bit flaky, may I quote the chairman of the Canada Council, Allan Gotlieb, who's decidedly not flaky, who said recently in a speech to the Canadian Association of Broadcasters: I maintain that even if the provinces, which are widely disparate in the degree of their arts funding, were to use all the devolved money for the arts and culture, we would need, nevertheless, to reinvent a Canada Council.

Perrin Beatty, our Minister of Communications and culture, has said very many things, and this is why we get a little nervous. On the one hand, in July he said in a letter to Trevor Ferguson, who was the Chair of the Writers' Union last year:

> In regard to your fears that the Government may abandon the Canada Council or devolve responsibility for culture to the provinces, let me assure you that the Government has no such intentions.

Then not a month later he says in the *Globe and Mail:*:

> There must be, is and will be a role for the federal government in Canadian culture. But are the roles immutable? No . . . This is clearly a matter of discussion . . . It's always fair to look for ways to improve the system.

It's that kind of ambiguity that gets us nervous, because anything could be negotiated within that broad sense of needing to look at things and improve the system. We're not against improving the system, God knows. That's why we wanted to make this intervention: so that we would be heard when the culture ministers get together, I think sometime at the end of October, having had a month to consider the report coming from Joe Clark. We want these views to be on the record.

MR. CHAIRMAN: Thank you very much for your comments. We have a few minutes, I think, for some questions.

I note your comment that there has not been a great outcry for the devolution of cultural responsibilities, with the federal government being asked to abandon its role in cultural activities outside Quebec. I think that's a very accurate assessment of the situation, certainly from anything we've heard, and certainly from our position within the Alberta Legislature I don't think there's been any call for that to take place. I think really what we have to address is how we can accommodate the concerns within Quebec for the protection of their specific culture, and it seems to me that what you were saying is that you're prepared to see a special type of deal arranged with Quebec in order to protect that Quebec culture, some – although you didn't use the term – "distinct society" approach relative to their cultural activities.

MS KOSTASH: We used that expression in a motion that we passed at our AGM two years ago during the Meech Lake debates. The Writers' Union has never had a problem with the notion of a distinct society. I should say, by the way, that the consensus on this question of devolution of cultural programming and funding is that there's almost unanimity on this question in the Writers' Union, if not the cultural sector, as opposed to the feelings around the free trade agreement in the first round. It seems as though this particular issue's been perceived as much more of a direct threat to Canadian cultural integrity than the free trade agreement was perceived at the time. I think that's why the writers and the cultural sector are prepared to accommodate a special status for Quebec, because it is perceived as a threat to English Canada, the English-Canadian community.

9:28

MR. CHAIRMAN: I'll just pass on a comment that a constituent of mine made to me yesterday. He said, "I don't mind distinct society for Quebec as long as they pay for it themselves." That was an interesting approach. In some respects I think the Quebec government has indicated their intention to try and support the Quebec French language and the Quebec culture.

MS KOSTASH: This is controversial in Quebec. I mean, the artists in Quebec, for example, are having second thoughts about the provincialization of cultural funding because they realize that in fact they're very well served by the Canada Council and its programs. No provincial government, no matter how nationalist, has come through with the commitment – I think it was René Lévesque's first government – to commit 1 percent of the provincial budget to funding culture. This mythical 1 percent has never been achieved in Quebec, so it's a moot point just how much a committed provincial government with total control over cultural programming in Quebec would deliver to the cultural sector in fact.

MR. CHAIRMAN: Okay. Well, I don't want to take up too much time. Maybe others will want to comment. Yolande would like to do so. But just one quick comment. Much of what your concerns are relates to the issue of continuation of funding for programs at both the federal and provincial levels, and I'm sure you are apprehensive, as other calls on the public purse are made, that culture may be the first to suffer.

MS KOSTASH: I'll tell you what makes us nervous: that we heard from lobbyists in Ottawa that this government in Alberta would be not unwilling to accept all devolved cultural programming.

MR. CHAIRMAN: You heard that from whom?

MS KOSTASH: From lobbyists in Ottawa who had meetings with staff in offices of the department of culture, that Alberta is one of the provinces keen on receiving these devolved programs, and that makes us very nervous.

MR. CHAIRMAN: Well, that's interesting. It's an unusual comment to be made. Don't believe everything you hear from lobbyists in Ottawa, I guess.

Yolande.

MRS. GAGNON: Thank you. Just a quick comment. I think that artists in Quebec are torn between their so-called nationalistic agenda and the fact that they know very well that funding has been more generous from the federal side than from the provincial side. They may be their own worst enemies in trying to pursue this too far. On the other hand, I think we all understand that they must have their language and culture protected. I'd like to ask you if you could be specific in what your union feels would be the impact in Alberta of strictly provincial control except on the historical and technical side.

MS KOSTASH: I'm the past president of the Writers' Guild of Alberta as well as a long-term cultural activist in Alberta. We have tracked over the years the sort of shrinking commitment that this Tory government has had – I don't know the technical language – to budget funding of culture as opposed to lottery funding. While it's been very generous – I mean, the individual grants to artists in Alberta are among the highest across Canada – nevertheless, the vulnerability of that funding from lottery sources has always made us very nervous, and we have sought a greater commitment from this government to budget for that cultural funding, that cultural spending. So if these programs would devolve onto Alberta, the question remains: what would be the commitment of the Tory government to that funding and to those programs? Would it dismantle them into some kind of slush fund, some sort of lottery fund? Or would it then set up provincially, in fact, for the first time a properly financed culture budget?

Secondly, there's a kind of question here of mentalities as well, that when your cultural environment is circumscribed provincially, you no longer feel you have access to a national culture. Then one feels a little vulnerable in terms of certain kinds of cultural projects which might go beyond the mandate of what a provincial cultural policy is concerned about, like local development or regional concerns or something. Just at the point where the cultural workers of Canada are poised, in fact, to become involved in not just national but international cultures, to be then sort of forced back within the confines of a strictly provincial cultural policy I think is retrograde. So I would say those are our two main concerns.

MR. CHAIRMAN: Barrie Chivers and then Dennis Anderson.

MR. CHIVERS: The provincialization of culture, as you've framed it, is essentially a division of powers issue, and I'm wondering how you see that debate unfolding in Quebec. It seems to me that there has been quite a significant change in the position within the cultural communities in Quebec in the last four or five months.

MS KOSTASH: Yes, there has been. I mean, one is aware, for example, of their own increasing estrangement from the sort of technocratic agenda of the current government in Quebec. It's very interesting. Once you translate their discourse, their rhetoric, it sounds like the way we speak in English about the relationship between the cultural and the political communities, and that is this nervousness around the constant reduction of the cultural activity to cultural industry, the sort of bottom-line kinds of vocabulary, efficiencies, and so on which have always, I think, been totally inappropriate to the way culture is produced and practised in a society such as Canada's. The artists in Quebec express the same kind of nervousness around their own government's agenda.

What I appreciate from them is that they have to maintain a certain kind of unity within their own society, and it's only informally that one will hear about this kind of ambivalence within the cultural sector. For the Francophones outside Quebec there's been a very interesting development there where they have in fact called for a strong central Canadian government to protect their interests as minority groups in English Canada. So I think there are a number of alliances that are being built in and around these political strategies. We'll see when the report comes out, when the proposals finally come out from Mr. Clark, what all these various sectors in fact are going to say. But people are holding their cards close to their chest right now.

MR. CHAIRMAN: Yes, we know.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I was just wondering if you had any assessment for us of how the current system is working from your perspective. Are you happy with the Canada Council's decision or other cultural decisions on a national basis? Do you find them balancing fairly the perspective of Alberta writers with those of Ontario or Quebec? Do you feel that there is in fact a full national view of culture which transcends the needs of writers in this part of the country or in other specific regions?

MS KOSTASH: Well, it's interesting that you ask these questions, because of course we were just visited by Mr. René Bonenfant, the new director of the writing and publishing section of Canada Council, and Gordon Platt, who is with publishing. They're on a tour of the regions, and there will be a full-fledged meeting of the Canada Council board of directors, I think, with its clientele this fall. We were presented with the statistics concerning the relationship of Canada Council's spending to Alberta, and that was actually very interesting. Everybody was quite concerned because, in fact, the spending on individual grants to Canadian writers and publishers is less than our percentage of the population of artists. In other words, we are claiming less of that money than we are actually present in the cultural sector. The question was: why should this be the case?

It's also true of Ontario, interestingly enough, so that the paranoia a lot of western Canadian artists have that Ontario and Quebec are grabbing all the money is not true. Ontario is likewise underrepresented. Manitoba is way over. This may reflect a couple of things. One is that the presence of very strong provincial cultural programs such as in Ontario and in Alberta through AFLA, the late lamented AFLA, takes up a lot of the slack. For example, I've had an AFLA grant instead of a Canada Council grant for one of my books, so then I won't show up in the statistics. Had I no access to provincial cultural funding, I would show up in the statistics much more frequently in Canada Council.

Secondly, I think there's also a perceived feeling of distance between Alberta and Ottawa, that you can't get through to the bureaucrats or something. So their coming on the road like this I think is very political. I mean, they're fighting for their lives too. They know they're in a political fight for their lives as well.

9:30

I think the third factor may be that it's taking this much longer for Alberta cultural workers to take themselves seriously as national players. I mean, the Writers' Guild of Alberta is only 10 years old. We're getting there, right, but I think all of these things play . . . Now, we try not to resent too much the overcapitalization of expenditure to the arts in Quebec. It's disproportionately in their favour because we have decided as national communities that this is a commitment we've made, to use extra and special funding to protect culture in Quebec. It was a low blow, of course, when the artists of Quebec supported free trade, but that's another story. Does that answer your question? It is always difficult for cultural workers and the Canada Council, because we are constantly going to the political defence of the Canada Council when in fact we have our own agenda vis-à-vis the Canada Council. We never seem to get around it, because we're always having to fight to save it: oh, no, they're in trouble again.

MR. ANDERSON: I was just trying to get an assessment of whether the system currently properly balances the needs.

MS KOSTASH: No, obviously not perfectly, but what's really encouraging is the fact that we're talking about it and that there is an awareness, at the staff level at least, that things are not perfect. It's time to reassess the Canada Council. It's been around for a generation. The chairman of the board, Alan Gotlieb – of course, he's not a bureaucrat – has surprised us all by turning out to be quite a militant in defence of this agency.

MR. CHAIRMAN: He's a very good advocate for whatever role he may play.

Well, thank you very much, and just one word of caution. I think perhaps the notion that Alberta is lusting after sole control may have arisen from some lobbyist, but I think if you examine the statements of the ministers over the years . . .

MS KOSTASH: Over the years? We need a statement right now from Mr. Main, and we can't get it. We don't know what's going on.

MR. CHAIRMAN: I see. We'll bring that to his attention.

MS KOSTASH: It's like parents of teenagers. When the teenagers don't tell their parents anything, the parents imagine the worst, and that's exactly what's happening in the cultural sector in Alberta. We're imagining the worst because we can't get anything out of our minister.

MR. CHAIRMAN: Uncertainty is not the best state in which to be, either as the Writers' Guild or as a nation, and I think that's what we're finding now.

Well, thank you very much for your presentation.

MS KOSTASH: Thank you.

MR. CHAIRMAN: Stephen Lynch.

MR. LYNCH: Good morning. I represent myself as an Albertan and as a Canadian. It is difficult for me to address the problems and questions of the Constitution in Canada's future as a country. One side of me wants to be the analytical political science student that I once was, and the other, if I may steal this phrase, is to speak from the heart. I chose the latter, since so much has been researched and discussed over and over and very little has been achieved.

I decided to come before you, the select committee, when Mr. Decore was so presumptuous as to say that the Getty government did not speak for all Albertans in wanting a decentralized federal government. Then Mr. Decore went on to presume to speak for all Albertans that they wanted the opposite, a strong federal government. No one speaks for me, Mr. Decore, but myself. I do not support your view of federalism. I do support Mr. Getty's vision of making provincial responsibilities stronger in certain jurisdictions such as health, education, and natural resources.

There has been a continuous trend over the last 15 years of shrinking transfer payments from the federal government to many of the provinces. In turn, the provinces have been given the added responsibility of trying to maintain an acceptable standard of quality with less money. The federal government, if it had any intestinal fortitude, would hand over some of the programs that I have mentioned and also realign or create a new transfer payment program or a federal/provincial taxation system program that would support the programs that were transferred to the provinces. The question of maintaining a national standard of quality in these programs is not a problem. We do not have that national standard with the current structure we have and it seems we are surviving as a country in this aspect.

Canadians, or I should say myself, have lived with a certain skepticism since we brought the Constitution home in 1982. Quebec has never signed the Constitution Act, and in some ways I do not blame them.

I've had the benefit of being a native of Ontario, living there 16 years. I have also called Alberta home for the last 10 years. What does this make me? I believe I'm a special hybrid that the federal government does not want to willingly recognize. I'm a Canadian, a person who enjoys the diversified geographical beauty of this country, and people like me know in our hearts what Canada means. We must be willing to shed the disastrous words "distinct society," "regionalism," and "protectionism." These words are roadblocks to any future solution of retrieving Canada from the chaos that has been created. The first ministers must put Canada at the forefront of their own government agendas. This country's survival must not be used as a pawn for any personal advancement by any government. We must recognize that the federal government in each province has special needs or concerns. We should practise the patience and understanding attributed to us by other world governments. We should live up to that expectation.

Quebec is special as a province, but so are the other nine provinces in their own right. No province is any better than the other, but each province has special wants and concerns. These should be addressed but not at gunpoint. I do not take kindly to being threatened, and that is exactly what has happened with the fear of Quebec separating if her demands are not met. I have met too many Quebecois in the last three years to believe that they are willing to separate from the rest of Canada, just as I do not want them to separate. We must not take their problems lightly or the continuous gesture by the Parti Québécois or the Quebec Liberal Party of separating from Canada, nor should Quebec and Ontario take Alberta's objective of an elected, effective, and equal Senate as a punitive reaction. It seems to me that the federal structure and the slant of power must change to allow some degree of fairer representation for all regions of this country. There is no better place to start than the Senate. A triple E Senate would bring greater accountability to that institution. The accountability would reflect on the federal government. A truly democratic Canada would be the product, a Canada we could all be proud of.

I believe that Alberta should maintain its current course of statesmanship, continue to listen to the people of Alberta and of Canada, and make a collective decision. Alberta's constitutional delegation should stand firmly against any placing of time mechanisms to sign any accords. I think Mr. Mulroney has learned how foolish it was to place a deadline on the constitutional process for any agreement to be signed. This action did much more harm to the constitutional process than many people would like to believe and has delayed further advancement. Remember, the longer we take in discussing the Constitution, the farther we distance ourselves from a solution.

There is a need for a strong mediator within these constitutional talks, and I believe it is Alberta's responsibility to take this role. Alberta has the ability to take this challenge, and if it fails to do so, then we are neglecting Canada's future.

I would like to close with a thought that to me is somewhat radical. I believe that the federal government, both under Trudeau and Mulroney, has been detrimental to the success of previous constitutional talks and agreements. I suggest that all provinces meet, with the exclusion of the federal government, hammer out an agreement that is suitable to them, and then present this agreement to the federal government. It would be very difficult for the federal government to ignore the accord, and it would allow the provinces to be in control. This is a somewhat simplistic idea, but whatever approach Alberta takes should be straightforward for the sake of our country, Canada, I suggest.

MR. CHAIRMAN: Thank you, Stephen. Any questions that any of our panel members would like to direct?

Yes, Yolande.

MRS. GAGNON: I hate to hog the floor, but two things. I take it that when Mr. Clark was here in Edmonton – I believe it was last week – and said that distinct did not mean better, that it only meant different, you didn't believe that.

MR. LYNCH: No, I don't. Distinct means different, in my opinion. Distinct is the protection of what the Quebeckers, the French people, think they will be losing if they don't have that mechanism in place: their language, their culture. I don't see any reason why we can't give them distinct, but everyone else is distinct too. When I heard about the strong reality that distinct will be in there, then I started thinking about what the other provinces would want. That would be their own jurisdiction within the language laws. Right now Quebec, I feel, is violating my right as a Canadian. I don't know – Mr. Horsman could help me here – which exact Bill number it is, but it replaced Bill 101. Is it 107? Bill 178?

MR. CHAIRMAN: Bill 178.

MR. LYNCH: Okay. That still regulates where English signs can be placed, what can be done in English, and that is not fair to the rest of Canada. Okay? So give Quebec the distinct society clause and let them control their language, but then let the other provinces such as Alberta, the provincial government, decide what bilingual Act we will have. But you can't have it both ways. You can't say we want to be fully in control of our own language and then dictate to the other provinces what their language Acts are. That is not fair.

There's an old problem that B.C. thinks it's a completely separate region of Canada. B.C. has a very strong case of maybe being another distinct society within Canada. So instead of beating the mulberry bush and sort of hiding behind things, give it to them, but then give each province their own jurisdiction in that legislative piece of . . .

9:48

MRS. GAGNON: Then you would suggest that the provinces get together without the feds and come up with some solution and present it. How do you think the provinces could overcome their provincial concerns? Each province has its own agenda and its own concerns. How would they overcome that, and why would that work better than talking at both levels?

MR. LYNCH: Right now they have the First Ministers' Conference, and the only Premier not present, Bourassa, is from Quebec. You'd have to get him there to be successful, but I think he would go if he understood what the agenda would be. They've been hammering out their differences, their own agendas at these conferences: trade agreements, opening trade barriers between provinces, so on and so forth. So there's not really anything there that the provinces can't deal with.

If you take the main player, the federal government has everything to lose with the new Constitution, in my opinion. I think they'll lose jurisdictional powers in many areas they may not want to or may want to hold on to. But like I said, they have given more responsibilities to the provincial governments but have neglected putting those transfer payments the governments have paid to the federal government back into provincial hands. So they can work it out. There isn't a problem there. They've been doing it without the feds at the First Ministers' Conference, and it's been working out.

MR. CHAIRMAN: Thank you.
Nancy.

MS BETKOWSKI: We've had a lot of discussion in the committee in the past about the whole issue of national standards, and you heard the presentation before you which very much supported the notion of a national standard and federal involvement. I guess if you look at something like health where we do, in fact, have a national standard – and a good one, I would argue – you then have the whole issue of devolution to the provinces of responsibility for meeting the standards and, some would argue, an abdication on the part of the federal government for supporting those standards that they have put in place. You seem quite hopeful that we can protect the issue of national standards, particularly in an area like health, and yet get a new way of financing that system, if you like. As a Canadian – you describe yourself as half Ontarian, half Albertan – having watched Canada in the past, why are you so optimistic that that can occur?

MR. LYNCH: We persevere as a country. This constitutional problem isn't new. It's been with us since we became a country and the French and English were fighting over authority for who's going to control or govern the new dominion of Canada. So we persevere. You have to be optimistic and hopeful. I look at provincial dollars going to various departments or ministries and I know that in the past Alberta has been higher per capita in provincial dollars for programs within health or universities. I say that we can survive a devolution, if you will, of a national standard or giving each province the ability to control their own.

Let's look at advanced education. I'm a graduate of the University of Alberta. I know all universities across Canada are in trouble, and that's because we've been living beyond our means as a country. Everything will have to be realigned, and what better way than the constitutional process to get some of these major things in check? The provinces now bear the burden of a lot of costs over and beyond and unfortunately, in trying to be responsible, have to trim, have to cut back, have to get themselves in line. So to have each province have a certain control . . . Like, in advanced education there is no national standard now – in policies possibly. Look at Ontario. The NDP government has just flooded them with funding that they've never seen in the last 10 or 15 years under both the Conservative government of Davis and the Liberal government of Peterson. Now they have decided they're going to buy their way out of their problems and flood the departments. If you will, those universities are much better than our universities if you go by provincial dollars, but that doesn't solve problems or anything. So I think if the provinces were given the authority and we had a realignment of a fair payment system back to the provinces, we would have a better standard than we have now, because it's what one government is willing to do to promote their province or their ministries over another province. You look at the east coast. They're a very poor region of Canada and they need strong transfer payments. That will have to be taken into account. They will have to get more dollars per capita than other provinces just to help them out because of lack of population.

MR. CHAIRMAN: Thank you very much, Stephen, for your comments and for coming forward to this committee as an individual Canadian and Albertan. Thank you very much.

I'd like to introduce a recent arrival: Bob Hawkesworth, MLA for Calgary-Mountain View. Thanks for coming this morning, Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'm glad to be here.

MR. CHAIRMAN: Next I'll call on the representatives of the Alberta Teachers' Association: Fran Savage, president, and Julius Buski.

Good morning and welcome. You're certainly no strangers to the members of the panel.

MRS. SAVAGE: I don't think so.

I believe you have a copy of our brief somewhere, although you may not have it with you this morning.

MR. CHAIRMAN: Yes. I think all members have it as part of their material.

MRS. SAVAGE: Right.

We certainly appreciate the opportunity to appear before this committee this morning, and I guess I'll simply go through the aspects of policy you have before you and read some of them and just highlight some of the others.

As you all know, the Alberta Teachers' Association is a policy-driven organization. It represents some 34,000 teachers throughout the province. Of course, we have a great deal of policy, but today we're confining ourselves to the aspects of policy which we feel are appropriate to bring before this committee at this time.

The Teaching Profession Act provides that the association should "advance and promote the cause of education in Alberta" and "co-operate with other organizations and bodies in Canada and elsewhere" with the same aims or objects. Of course, the Legislature of Alberta has seen fit to provide the association with these objects and recognize its role in education in the province as well as when it has a role in the federal or even in the international scene. I think one of the main things we focus on in our policy and in our belief is that we recognize the fact that education is basically a provincial matter. You'll see that reiterated in one or two statements further on in our policy. Essentially, we do believe that within the Canadian constitutional framework this is a provincial matter; therefore, our policy basically is addressed to the government of Alberta. When we deal with federal matters, we address our policy and bring our resolutions to the Canadian Teachers' Federation and it goes from there to the appropriate authority.

9:58

The first five aspects of our policy basically deal with language rights. As early as 1979 we adopted some policies that dealt with the official languages. 1.A.35 states:

> It is the right of Alberta parents to have their children educated in the Canadian official language of their choice and of all children to have equal opportunity to become fluent in the other official language.

We recognize, therefore, the bilingual nature of Canada and advocate for parents freedom of choice for their children's education as well as equal opportunity for all children to become fluent in the other official language.

The next one focuses on the government, which we believe

> should ensure the right of Alberta parents to have their children educated in the Canadian official language of their choice where numbers warrant.

Of course, partly as a result of the Supreme Court of Canada judgment, in 1990 we endorsed the right of the official language minority to manage its own schools.

8.B.18 focuses on the Department of Education and legislation and regulations. We believe, therefore, that the government should

> place forthwith adequate and appropriate legislation and Department of Education regulations enabling the management and control of French minority language education by francophones.

This was established as policy last year.

8.B.19:

> The Alberta Teachers' Association urge the Department of Education to ensure the Association the right, as an equal partner among the stakeholder groups, to participate in the definition of the legislation and regulations governing the management . . .

We believe the Alberta Teachers' Association therefore should be a part of any body that develops definitions and regulations to govern the management and control. As teachers in those schools, we believe we should be an equal partner.

Therefore, we have those five policies that address the issue of language rights, and we would urge the government to accept the recommendations of the French language working group. One of our staff members was a member of that particular working group. We feel it was a good set of recommendations, and we would like to see it implemented as soon as possible.

I don't know whether you would prefer to question as we go through these groups or whether you would prefer to wait until the end to ask questions.

MR. CHAIRMAN: I think perhaps we'll just go through your entire presentation.

MRS. SAVAGE: Go through the policy?

MR. CHAIRMAN: Yes.

MRS. SAVAGE: All right. Fine.

The next group of policies speaks to education finance. The first one we had requested away back in '67 and it was reaffirmed in '89.

> The systematic and orderly development and expansion of education requires study, research, forecasting and planning . . .

With a particular focus on long-term planning.

> . . . in education finance at the national, provincial and local levels.

We also believe in the necessity for stability of revenue for education. We do not, for example, endorse the idea of lottery funding or this kind of ad hoc funding for education revenue. I think it is an extremely important fact that stability of revenue is required to adequately plan research and finance education.

We also believe that revenue not only should be stable but should come from a variety of sources. We are concerned, as many people are, about the gradual shifting of education funding from the provincial to the local level and certainly would like to see as well some kind of equity of funding throughout the province. We believe this is best derived if funding comes from a variety of sources.

We believe, therefore, in our next policy that the "government should institute measures" to facilitate that financing picture we would like to see. Although there are certain measures in place, we believe others are required.

We believe also that "cost-sharing arrangements for the financing of public post-secondary education should be assured by federal-provincial agreements." Now, I know there are agreements in place, but they seem to be weakening; certainly they seem to be not as effective as they once were. We think there should be every effort possible to strengthen those and perhaps move back to more federal, certainly at the post-secondary level.

7.A.8 focuses on what we believe should be the priority for financing of education. That should be "public education at the early childhood, elementary and secondary levels." The shift toward more funding to private schools and so on, we believe, is a retrograde step. If the dollars are scarce, we believe public education must be as strong as possible in this province.

> School financing
> should be structured so that the major part of expenditure on early childhood, elementary and secondary education is borne by the provincial government.

Once again, we know that the shift from well over 80 percent of provincial funding in recent years to now somewhere around a 60 percent average of provincial funding has caused a great deal of inequity among some jurisdictions. Some, because of their tax base, are able to cope quite well with that share of provincial revenues, and other areas are having a great deal of trouble in financing their own district education. A comprehensive plan obviously is needed. We know there have been attempts in the past, with limited success, to come up with a solution to the problem, and of course you're being lobbied at all levels and in different directions, but something does have to be done. I think one thing that would help to address that problem is if there is a shift back to a larger base in provincial funding.

This, 7.A.11, is simply a statement of belief. We believe "teacher organizations should study, consider and advise on all matters of federal, provincial and local education finance." It's not really directed at the provincial government. It's a statement of belief.

10:08

We also believe that both public and separate school systems, as we recognize them in this province, are publicly funded and have a historical and constitutional legitimacy. That policy, which was really a belief that we've had since public education was instituted, was officially affirmed in 1985. So our first policies, as you will note, were established in 1967 as far as education finance is concerned, and once again recognize the provincial primacy in the field of education and in the role that education plays even in the national context. We, of course, are focusing basically through our financing policy on the welfare of students; it's the welfare of students that we are emphasizing throughout our policy on education finance.

Going on, then, to health care, we have two policies that deal with health care. Just as we believe there should be complete, free, and universal access to education, we believe there should be complete, free, and universal access to health care. Those policies were established in '81 and then continued to be reaffirmed through '87 and on. It's a statement that we firmly believe in, and once again we are focusing on children. We have a severe problem of poverty in this province, and we have many children that probably would be in dire straits if we did not have universal health care, if they did not have that access. Therefore, we believe that there should be a stability of revenue throughout health care and that nothing should happen in provincial government policy to deny children that right.

As far as the Charter of Rights and Freedoms is concerned, the Alberta Teachers' Association opposes the Alberta government's opting out of any part of the Charter of Rights and Freedoms in the Canadian Constitution. We believe that those fundamental rights as interpreted by the courts should take precedence over any political will of a single party or a government.

Then on to multiculturalism. The government of Alberta should recognize that all citizens or groups of citizens are contributors and therefore share and participate in all aspects of Canadian society. We believe that the government should take action to support and encourage the development of Alberta's linguistic diversity and multicultural heritage and that it should promote cross-country awareness by encouraging policies which increase knowledge and understanding among cultures. We're advocating, therefore, a positive approach with active support. We also believe that this should be a shared jurisdiction of provincial and federal governments.

Regarding the Alberta Teachers' Association as a member of the Canadian Teachers' Federation, our policy as a member of the Canadian Teachers' Federation is that the Canadian Teachers' Federation should function as a federation of provincial associations and that as a federation it deal with provincial associations and not with members. We always emphasize, then, in our policy that in our relationship with the Canadian Teachers' Federation, they are relating to us as a body as opposed to individual members of our organization, and that we speak as a member of the Canadian Teachers' Federation only through the official policy that we have.

The Canadian Teachers' Federation renders assistance to us, and it also maintains services regarding pensions, salaries, tenure, legislation and regulations, teacher education, collective bargaining, and the like. We have a very small but very capable organization at the federal level. It is much smaller than our own, and the funding that I think is directed to it is probably about a quarter of the funding that we raise through our own members to finance our own organization. It's small, but it provides a different kind of service, a unique service, one of them as far as statistics are concerned on a federal level. It's an invaluable assistance to us, and it also is assistance in research and development of policy, conferences that help us to learn more about federal matters and also professional development kinds of matters: an extremely fine although small staff that does provide an invaluable service to us. So those are some of the areas where they can help us, and of course it also helps us to become aware of what is happening in other provinces as well. So it's an extraprovincial function. They do lobby at the federal level, and that lobbying is exclusively done at the federal level.

I think, then, I've covered very briefly the policy that we believe is relevant to this particular reform committee, and I think Julius and I would be happy to answer any questions you might have.

MR. CHAIRMAN: Thank you. Just one comment. It appears that in terms of the actual constitutional provisions that are in place now, you really tend to support the existing constitutional responsibilities division. Is that correct?

MRS. SAVAGE: Yes.

DR. BUSKI: I believe that's a fair statement, yes.

MR. CHAIRMAN: With the exception – it strikes me from item 4 in your brief that you would want to see a removal of the notwithstanding clause that's now presently in the Charter of Rights. That's a fair way of putting it?

MRS. SAVAGE: Yes.

DR. BUSKI: Yes.

MR. CHAIRMAN: All right.
Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Thank you for your presentation this morning. You dwelt at some length on the policies surrounding financing of education and you see a role for the federal government. I'd just like to ask you, given the recent Supreme Court decision regarding upholding the federal government's right to unilaterally withdraw or reduce its contributions under federal/provincial financing agreements: do you feel that there is some requirement or should be some – I don't know – constitutional provision that once federal and provincial governments have reached an agreement, that that be entrenched in some way to prevent one party or the other from sort of unilaterally reneging on it? Do you see a need for something like that? Constitutional arrangements or structures?

MRS. SAVAGE: I would expect them, but Julius would you like to add.

DR. BUSKI: Well, the arrangement, as you know, has been one of long term, long standing, and one which the various parties came to expect. I'm not sure whether we would have any position which would support entrenchment in the Constitution of that specific responsibility or division, but I believe it's fair to say we would certainly support a clearer understanding and some protection for those understandings, so that provinces aren't left out in the cold when the Supreme Court renders a decision such as it just has very recently.

MR. CHAIRMAN: Okay. It's a big concern, obviously, but really at the moment that's a very good question that Bob has posed as to whether or not we have to put it in the Constitution.

MR. HAWKESWORTH: I'm not necessarily advocating it. I'm just sort of . . .

MR. CHAIRMAN: No, no, but it's an extremely current issue.
Dennis Anderson, then Nancy.

MR. ANDERSON: Mr. Chairman, I was just going to follow up on Bob's question with respect to this. If one believes in the current breakdown of responsibilities federally and provincially – I'm trying to ascertain whether you also believe in the current circumstance, which is federal tax dollars being taken and then given back for the purpose of education, or whether you feel, in areas of exclusive provincial jurisdiction, if there should be dollars expended and raised at the level of jurisdiction that's in the Constitution and then standards dealt with perhaps by the provinces in concert. Have you given consideration to how that works? I guess we're trying to deal with the problems that now come from federal involvement in traditional constitutional areas of jurisdiction of provinces and how you make clearer that circumstance and who's responsible.

10:18

DR. BUSKI: I think it's fair to say that those arrangements have evolved historically not only in the area of education but in health care, and for good reasons. Both our policy, written and unwritten, and the policy of the Canadian Teachers' Federation would support that kind of an arrangement.

MR. ANDERSON: I'm sorry. The current kind of arrangement?

DR. BUSKI: The current type of arrangement, yes.

MR. ANDERSON: Where the federal government is involved in taking the tax dollars and giving them back on some sort of formula.

DR. BUSKI: Yes, with provincial/federal agreements as the overriding framework under which that operates. That really brings us back to the question asked by Mr. Hawkesworth. Perhaps as we draft a new Constitution, the power of the court might be examined in terms of being able to mandate how those agreements are implemented.

MR. ANDERSON: So you wouldn't have a problem with getting the court involved in the areas of fiscal management or, in other words, running the monetary aspects of the country.

DR. BUSKI: No. What I'm saying is that this committee may wish to examine what the role of the court should be in those areas. We don't have any policy that speaks of that, obviously.

MRS. SAVAGE: No, we don't.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Nancy, and then Barrie.
You're passing?

MS BETKOWSKI: I'll pass on that.

MR. CHAIRMAN: Okay.
Barrie Chivers.

MR. CHIVERS: I just wanted to revisit the question asked by the chairman with respect to the notwithstanding clause. The present situation, of course, is that the notwithstanding clause represents a pretty delicate political compromise in order to achieve a Charter in the first place, and you're suggesting that it should be eliminated at this point in time. As I understand your submission, you would like to see the notwithstanding clause moved from the Constitution. I'm wondering how you see that impacting the political equation in the country. There are provinces, of course, which feel very strongly that the notwithstanding clause is a necessary counterpoint to the Charter of Rights and Freedoms. I'm wondering if you see this as being feasible in terms of reaching constitutional accord. Is removing the notwithstanding clause politically feasible?

DR. BUSKI: It's an interesting dilemma, obviously. In looking at where our policy arises from, you have to remember that in many respects our policy arises because of reactions to events which may occur. If memory doesn't fail me, this particular position arose because there was some discussion at that time about Alberta possibly opting out with respect to the right to strike, and this, I think, came about as a result of that. We can only speak for our teachers, and obviously teachers in other provinces may have different feelings on that. As you yourself said, it's a very delicate balance, and it may certainly vary.

Just as a side note, it's interesting that in the Canadian Teachers' Federation the largest federation of teachers in Quebec is not a member. The CEQ are not members of the

Canadian Teachers' Federation because they capture groups other than teachers in their organizations. So the sole member in the Canadian Teachers' Federation from Quebec is the Provincial Association of Protestant Teachers, which is a fairly small player in that arena.

MR. CHIVERS: Do you see some possibility of compromise on the notwithstanding clause, such as, for example, making the exercise of opting out subject to a referendum in the jurisdiction seeking to opt out?

DR. BUSKI: That's certainly a possibility, but then this whole exercise that we're engaged in is one of compromise, I would think.

MR. CHAIRMAN: Okay.
Yolande.

MRS. GAGNON: Thank you. Again dealing with number 4, 8.A.10. It says '87. Was that the last time you visited the Charter, at a policy convention?

DR. BUSKI: That particular part of it, yes.

MRS. GAGNON: I think this gets to the heart of a lot of what we've heard in the last little while, as to whether duly elected politicians should be making laws in this country, or whether they should be subject to the interpretation of the court. I think that's one of the major issues that we have, and that's why I'm curious to know if you've had a more recent discussion than in '87 on this aspect.

MRS. SAVAGE: Normally our policy has to be reaffirmed every three years or it drops, as you probably know. This is long-range policy, so although it may not be reaffirmed, it's still stands.

DR. BUSKI: With respect to the Charter and to Canadian unity, however, the teachers of this province are very concerned about maintaining the integrity of Canada, even though it's not stated specifically here. At the time of the Meech Lake crisis, our association sent telegrams to all the provincial Premiers and to the Prime Minister urging them to take every effort possible to ensure that unity of the country is preserved.

MRS. GAGNON: I'd like to just make the comment that the language policy I could have written myself. I love it.

DR. BUSKI: It's fair to say that you did not, however.

MR. CHAIRMAN: Okay. Well, thank you very much. Some of the points you've made obviously relate to policy issues within the current constitutional responsibilities of the province, and that's, I think, fair. We are interested in your views about the way the division of responsibilities currently exists and the support of the status quo, which you indicated in that respect. Thank you very much.

MRS. SAVAGE: Thank you.

MR. CHAIRMAN: We'll now call on Jason Kenney and Chris Gerrard, the Association of Alberta Taxpayers. Thank you. We've just received your presentation now and would like you to go through it.

MR. KENNEY: We're just going to highlight some of the important areas in our presentation. My name is Jason Kenney. I'm the provincial co-ordinator for the Association of Alberta Taxpayers, which is the provincial affiliate of the Canadian Taxpayers' Federation, which has over 20,000 supporters in western Canada right now. We are essentially an educational and research organization dedicated to promoting the responsible and efficient use of tax dollars and to informing the public about the way governments spend money. I'm accompanied this morning by Dr. Chris Gerrard, who is our chief economist and national research director. We're particularly grateful to have the opportunity to appear before this commission.

Our organization has a particular perspective on Canada's present constitutional crisis; namely, that government spending at both the federal and provincial levels is out of control. This is leading to prohibitively higher taxation, continuing deficits, and spiraling national and provincial debts. This debt crisis is constraining the ability of both federal and provincial governments to respond to real human problems that only they can address. It's the view of our organization that this debt crisis is a central element in the current constitutional negotiations in which the country is involved.

10:28

Of course, the present fiscal situation of Canadian governments both federal and provincial is well known, most of all to you representatives of the Legislative Assembly, but let us highlight a few facts. The last federal surplus occurred in the fiscal year 1969. At that time the national debt amounted to less than $18 billion. By the end of fiscal 1984-85 the national debt had reached $200 billion, and this year, as you likely know, it will surpass $400 billion, thanks largely to the magic of compound interest. For both the federal and provincial governments combined, interest on federal and provincial debt represented 9 percent of total government expenditures in fiscal year 1974 and 3 percent of the national GDP. This year it represented 20 percent of total government expenditures in Canada and 9 percent of the national GDP.

Canada's taxpayers simply cannot afford for these trends to continue, and we think that this crisis poses a fundamental threat to the continued health and security of this country at least as serious as the current constitutional crisis. Our association views the accumulating federal and provincial debt not as the cause but as a symptom of our present constitutional crisis. It is our view that Canada's debt crisis is in large part attributable to, firstly, the dysfunction of the political process in Canada at both the federal and provincial levels and, secondly, the trend of federal encroachment into areas which are properly of provincial jurisdiction as outlined in the Constitution Act.

In the 20th century two of the most striking features in Canadian politics and government have been the rise of the executive branch of government relative to that of the legislative branch, and the rise of party discipline. Now, part of the rise of the executive branch of government was probably inevitable. As governments grew and more areas came under the jurisdiction of government spending, it was clearly inevitable that the rise of the executive branch would occur, as it has in most modern industrial countries. Various social problems associated with the industrialization and urbanization were so broad in scope that only the executive branch could effectively deal with them, but much of it was not.

Today the executive branch is out of control. It has become so large that it has taken on a life of its own. It is effectively divorced from the Legislature, acts apart from the Legislature, and increasingly views the Legislature with contempt. Parliament and the provincial Legislatures have largely become the rubber stamp of policies which are determined somewhere in the labyrinthian halls of the executive branch long before they ever reach the government caucus let alone the House of Commons or the floor of the Legislature. Members of Parliament and Members of the Legislative Assemblies possess only the illusion and not the reality of power. On broad policy issues they are no longer the effective representatives of their constituents to the government but have become the representatives of the government to their constituents. The losers in this process are not only the Members of Parliament and the MLAs and their constituents but also the political parties themselves, which have become less and less relevant as more and more decisions are made by the various departments, agencies, boards, and commissions that have been established by the executive branch of government. The other losers are the taxpaying citizens at large, who are footing the bill for all the various government programs that have been established in large part due to the aggrandizement of the executive branch. Under present conditions effective legislative control over government spending is a mirage because an MP or an MLA who advocates real meaningful fiscal restraint risks being labeled as morally insensitive or un-Canadian. No one is looking after the bottom line.

Now we're going to address the area of federal encroachment into the areas which are properly of provincial jurisdiction. The original division of powers between the federal and provincial governments under the British North America Act was established in response to a perceived weakness in the American federal system that led to the American civil war, and secondly, to the desire of the provinces, most notably Quebec, to preserve their particular language and culture. Our perspective on the division of powers is not so much that the present division of powers is wrong or bad but that over the last 30 years in particular, under such slogans as the sharing of wealth and promoting national standards, the federal government has used its funding power to encroach into areas of provincial jurisdiction and, I might note, has been welcomed in doing so by the provinces.

These trends, of course, have a history. The Rowell-Sirois report identified an imbalance in Canadian federalism: that relative to the federal government, the provincial governments lacked the funding power to fulfill adequately their jurisdictional responsibilities and to fund adequately those responsibilities. Areas assigned to the provinces such as health, education, and other social programs were the areas with the greatest increases in demands for government services over this period.

But this is not the whole story. In the 1960s and 1970s federal and provincial governments set themselves up as the solution to various problems in our society which historically had not been viewed as the responsibility of governments to solve. Name a problem and they would establish a new government program to solve it. The government knew even better than we did what was good for us. They would guarantee an affluent life to all, whatever our capacity or willingness to produce might be.

The fruits of this attitude and these policies have now become evident. Yesterday's debt to finance these programs at the margin has become today's taxes, and thanks to compound interest, debt servicing is becoming a larger and larger proportion of government spending and, as we mentioned before and as you well know, is restricting the ability of governments to deal with real, pressing human needs. Our universal social programs are providing very costly subsidies to middle- and upper-income Canadians. Federal funding of programs in areas of provincial jurisdiction is reducing local autonomy and local control, a major example of which is the amendment to the Canada Health Act which forbade extra billing. Now the federal government is indirectly controlling the health professions, which, of course, under the Constitution is an area of provincial jurisdiction. The notion of national standards has become the vehicle for what we would call an orthodox, authorized version of what it means to be Canadian, a version propagated by the governing intellectual and media elites. Lastly, regional development programs which sprang up during the last two decades have become expensive channels for redistributing public wealth to selected individuals and corporate interests without having any significant impact on alleviating regional disparities.

So, in summary, the federal government's intrusion into areas of provincial jurisdiction, which was intended to make our country united and prosperous, is in fact having the opposite effect. Federal efforts to legislate and regulate equality of results is producing more inequality than existed in the first place and making our society as a whole relatively poorer. At the same time, the federal government has neglected some of its major responsibilities, such as the establishment and maintenance of a common market in Canada. We now have free trade with the United States, but as you know, we don't have free trade within the provinces, owing to all kinds of informal barriers to trade among the provinces.

In light of the above our association views with alarm the recent federal initiative with respect to elementary and secondary education, an area of clear provincial jurisdiction, and the apparent acquiescence recently at the Premiers' Conference in Whistler of the nine provincial Premiers, excepting of course Quebec, to the federal initiative. We can look to the United States as an example of what occurs with federal involvement in state education. In the United States federal involvement in elementary and secondary education beginning in the mid-1960s has been an unmitigated disaster, and I think there's a growing consensus to that effect in the United States. The establishment of a federal educational bureaucracy has been the open door to social engineering on a massive scale and the consequent diminution of local autonomy. Federal spending on elementary and secondary education in the United States now represents roughly 10 percent of the funding but 90 percent of the control and is a major contributing factor to the flight to private schools, the only schools which still have the local autonomy to respond to local needs and desires. We strongly recommend that Canada not follow the American example in this respect.

10:38

So now we'll delineate the recommendations to this committee. Our association supports, firstly, changes that will increase the relative power and accountability of Members of Parliament and Members of the Legislative Assemblies thereby redressing the present imbalance between the executive and legislative branches of government at both the federal and provincial levels and, secondly, limitations on both federal and provincial expenditures, particularly federal encroachment into areas of provincial jurisdiction. We believe that such limits should be enshrined in the Constitution, as we will outline below. We support, firstly, initiative and referenda, including referenda to ratify constitutional change at both the federal and provincial levels, and we believe that such mechanisms should be instituted within the Constitution. We also support provisions for a recall procedure for Members of Parliament and Members of the Legislative Assemblies, and we support constitutional limits in government spending and government deficits.

We're not suggesting that these are the panacea to our admittedly complex constitutional and political problems; nonetheless, they are an essential part of the solution. They are mechanisms by which we can begin to restore true democratic accountability to our parliamentary institutions. Now, today is not the time, and we certainly don't have the luxury of time, to discuss the detailed workings of these mechanisms that we propose. For example, we don't have time to discuss the proportion of the electorate required to initiate referenda or recall or the number of years over which a government should be required to balance a budget. However, we categorically reject arguments that such mechanisms are administratively unworkable. A great deal of academic research has now been conducted into making these mechanisms workable and consistent with the traditions of parliamentary democracy. We also recognize that the federal and provincial governments have the legislative authority to bring about some change on their own. Other changes will require constitutional amendments such as initiatives and referenda which are binding on provincial governments, such as constitutional limits, of course, on government spending and government deficits.

Briefly, we'll outline what we're looking to in the three recommendations we're making. The governments of Saskatchewan and British Columbia, as most of you likely know, have just announced three plebiscites in Saskatchewan and two referenda questions in British Columbia to be held concurrently with their provincial elections. Saskatchewan voters will be voting on balanced budget legislation, on provincial ratification of proposed constitutional changes, and on the responsibility for paying for abortions. British Columbia voters will be voting on the rights of recall and initiative; that is, whether British Columbia voters should have the right to remove their MLAs between elections and the right to initiate specific pieces of legislation through petition.

Now we'll address the issue of constitutional limits on government spending and government deficits. The government of British Columbia passed in their last spring session a taxpayer protection Act, which contains legislated limits on the rate of growth of government spending, a tax freeze for three years, and a commitment to balancing the budget over every five-year period, if necessary and generally speaking by reducing spending rather than by increasing revenues. On July 12 the federal Minister of Finance announced legislation, the spending control Act, to limit the growth in federal spending to 3 percent a year for the next five years. As mentioned above, the government of Saskatchewan has just announced a provincial plebiscite on balanced budget legislation.

While the Association of Alberta Taxpayers applauds all these developments, each piece of legislation remains an Act of Parliament or of the Legislatures. Once passed, the present governments or new governments could still amend or appeal the various Acts in order to escape from the spending limits or balanced budget requirements. For this reason, our association supports constitutional limits on government spending and government deficits. All Canadian families and businesses operating within a fixed budget have to make choices. If they choose to spend more in one area, they must spend less in another or borrow against next year's paycheque. Constitutional limits on government spending would force politicians to think in the same way.

For too long Canadian governments have been justifying increases in government spending by focusing almost exclusively on the benefits while flagrantly disregarding the costs of such spending. The inevitable result of such fiscal irresponsibility has been borrowing against the future, an intergenerational transfer of wealth from tomorrow's taxpayers to today's. Constitutional limits on government spending are intended to fundamentally change the nature of political discourse in Canada towards attention to the costs as well as the benefits of government spending. It is our view that if such changes occur, all Canadians would take heart at this resuscitation of the body politic.

MR. CHAIRMAN: Thank you very much for your presentation and for your lengthy brief. I notice that you tried to summarize it, and we'll be going through this as quickly as possible, as thoroughly as possible. I'm sure we could spend a great deal of time this morning discussing some of your proposals with you.

All of us as elected people who hear about this notion of recall are interested in that, and I'll just make a comment. One of the things that most of us have heard complaints about is the cost of running elections. When we called an election somewhat earlier than normal last time, that was one of the major complaints I heard at the door. Have you addressed at all the potential cost of running referenda, initiative, and recall? You don't want to spend a great deal more money as taxpayers, yet these are very costly ventures. Have you addressed that at all in your research?

MR. KENNEY: We haven't addressed it in the brief, but it's my view that citizens are intelligent enough to weigh the cost to the taxpayer of a plebiscite or a referendum or a recall procedure against the benefits of such procedures. So when it comes to recall, it's the determination of the citizens, of the taxpayers as to whether or not they're going to expend those funds, whether or not it is worth while to do so.

MR. CHAIRMAN: Well, there are some studies that have been done in the United States about the cost of initiatives – for example, in California in particular – which are quite startling as to the cost to the taxpayers of conducting that particular type of direct democracy. So I think it's something that you as people concerned about expenditures should want to look at as well.

Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'm also interested in the whole question of recall as well. I know you didn't want to get into some of the details here, but it's an interesting concept. It's been on the books in some American states for some time. It was briefly on the books in Alberta for some time in the 1930s, as you're well aware. I'm wondering if you would maybe outline what you think would be legitimate reasons, if we're going to entrench something either in legislation or in the Constitution, for recall, the actions of an individual member. Would it be for breach of some kind of conflict of interest legislation? What sorts of standards would you see an MLA or a Member of Parliament failing to meet as being valid for a recall process?

DR. GERRARD: Well, first of all, we would agree that recall could not be conducted on a whim and that any recall legislation should specify reasons for recall. The first obvious one is allegation of conflict of interest or violation of codes of ethics of Members of a Legislative Assembly. Another obvious situation would be where a candidate or a political party had taken a clear political stand on a certain issue and subsequent to election had done exactly the opposite. There are examples of that at both the federal and provincial levels. We would also say that a substantial proportion of the electorate would be required to support a recall initiative. Fifteen or 20 percent of the electorate in that particular constituency would have to support a recall before a recall election would take place.

10:45

MR. CHAIRMAN: Thank you. It's an interesting topic. I'm sure we could pursue it at length, but unfortunately we're running somewhat behind our schedule, and Dennis Anderson and Fred Bradley both want to get in with some quick questions.

MR. ANDERSON: Thank you, Mr. Chairman. Two quick ones. One was on the recall end, and maybe I'll just leave the thought with you. Fifteen or 20 percent could be got in my riding any day because the opposition votes were in excess of that during the last election. If the minister of hospitals decided to close the hospital in my area – I don't really have one, but say they did – that might well be a reason for recall. It would seem to oppose the concept of fiscal responsibility in that regard. In any case, that's one area.

The second is that I notice you talked about the move away from direct representation to more the administrative or executive control in governments. Are you proposing a change in our system? Do you agree with the basic parliamentary system, or do you feel that we need to move more towards less party control and more involvement for other mechanisms in our Legislatures and parliaments?

DR. GERRARD: Our position is that our parliamentary institutions are not presently working as well as they were intended or designed to work. The leading evidence of this is our debt crisis in Canada. Our proposals are not intended to replace but to supplement our parliamentary institutions. A well-functioning parliamentary democracy might not need things like initiative and referenda and recall. The problem is that we don't have a well-functioning parliamentary democracy.

It is interesting that there was a period in Canadian history, roughly from 1912 to 1921, when initiative and referenda and recall were also high on the political agenda. Each of the four western provinces, in fact, passed initiative and referenda legislation during that period. It's also interesting to note that this previous period in Canadian history was the period of the farmers' protest movements: the United Farmers of Alberta, the United Farmers of Manitoba, and the Progressive Party. It was a time when western Canadians in particular felt that the Canadian parliamentary institutions were not working, and they were complaining about the unrepresentative nature of Canadian parliamentary institutions. So we do have a history within Canada of considering questions of this nature.

We also have a history of referenda and plebiscites. We've had two national plebiscites. Provinces across Canada have held up to 40 plebiscites and referenda in our history, and they tend to be on issues across party lines, where the party system is not adequately representing a significant segment of the population on other issues which support different political parties.

MR. CHAIRMAN: We have just time for two more quick questions. Fred Bradley and Barrie Chivers.

MR. BRADLEY: I'll try to be very quick. I'm intrigued by your recommendation regarding constitutional limits on government spending and government deficits. There are those who advocate that the greater amount of the gross national product that governments spend, the less money left for the wealth-generating sectors of the economy from which the taxation comes to pay for this ever growing size of government. Do you have specific limits that you'd put on government spending and deficits in terms of GDP? Do you have target limits?

A second question I have is related to your proposal on initiative and referenda. I just wonder if any studies have been done on the size of the ballot – in some U.S. states they have as many as 123 questions, which would be a very large ballot – and what correlation that has, in fact, on voter turnout. It seems to me that the larger the ballot in some of these jurisdictions the lower the voter turnout, because the voter just feels confused by the size of these questions and issues. So would you also put a limit on the number of questions you could ask at any election? This can get wildly out of control, as has been some U.S. experience.

DR. GERRARD: With respect to the first question, British Columbia has just passed the taxpayer protection Act, and their legislated limits on government spending are that the growth of government spending shall not exceed the growth of the economy as a whole. The practical way, what they have legislated, is that you take the average rate of growth of the economy for the last five years and that becomes the legislated limit of the growth of government spending for the next year. In a practical matter what this does is restrain over the long run the present share of the government in the economy, whether we're talking provincial or federal. That's the sort of legislated limit that we would support.

With respect to constitutional limits on government spending, a proposal that we would support is that each provincial government or the federal government should be required to balance their budget over the four-year period beginning the first fiscal year after each election. We would not support a requirement to balance their budget each year because we do have cycles: recessions and booms. During a recession one can expect government revenues to decline and government expenditures to increase. Unfortunately, governments are not balancing their budgets over the business cycle. We believe that that proposal would represent a workable and effective constraint on government deficits, that the government should be required to balance the budget over the four-year period beginning the first fiscal year after each election.

MR. CHAIRMAN: Okay.

A quick question, Barrie.

MR. CHIVERS: Yes. I was intrigued by your suggestion that one of the grounds for recall might be the reneging on an election promise or position, if I understood you correctly.

DR. GERRARD: Yes.

MR. CHIVERS: It seems to me that if you carry that rationale to its logical conclusion, if it's an election promise by a political party, would that not necessarily entail practically another general election, if it's a change in position of the governing party?

DR. GERRARD: You're suggesting that if it were a major political issue on which the party itself had taken a stand, the party should have an entirely new election?

MR. CHIVERS: Well, let's say it was an election promise. Wouldn't that be the ultimate result on a constituency-by-constituency basis?

DR. GERRARD: I'd make two points on that. Recall, of course, is citizen initiated. We're not suggesting that citizens should replace the power of a Lieutenant Governor with respect to the calling of elections.

10:58

Secondly, during a recall vote the Member of the Legislative Assembly or the Member of Parliament that had been recalled of course has all the opportunity in the world to explain why he changed his or her position. I think it would be most extraordinary if citizens in every single constituency were to initiate a recall vote that would in effect be a new general election. I think more likely what would happen is that one by-election would be a pivotal and representative by-election on that particular policy.

MR. CHIVERS: What's more likely is that you would end up not with a complete general election, but if it's a change of the governing party's position, you could have recall only in the government party's constituencies.

MR. CHAIRMAN: Well, we could go on at some length. The reason we're asking these questions, quite frankly, is that we have not heard about this question of recall very often in the several hundred presentations we've had to date.

MRS. GAGNON: Mr. Chairman, I have a tiny question on referenda, because I think it ties in. We're looking at detail.

In Calgary we've just lived through the experience of 52 percent of the population voting in favour of fluoridation of water. Now there's a very large group of people who are circulating a petition in order to bring that back to the next municipal election. Would you place a limitation on the time span between bringing the same issue back to the electorate? You know, you vote for it this time; next time somebody will start a petition and it'll be on again, so they're going to vote against: back and forth. A lot of money being spent to start up things, take them out again. Would you place a time limit, every 10 years, every 20 years on the same question?

MR. KENNEY: The referenda process is abused in many states in the United States to that effect, but it's my understanding that many states also have grace periods for legislation which is introduced through referendum. All of the combinations and permutations of referenda legislation are very complex and something that would have to be studied in great detail obviously by government.

DR. GERRARD: I'll make one last comment. In British Columbia they have a referendum on whether voters should have the vote of recall. What the Premier has committed herself to do, if the referendum is positive and if she happens to be returned to power, is to establish a commission which would study these recall procedures over a one- or two-year period and to attempt to work out the mechanics, the administration of such procedures, the reasons for which recall could be used, and also the required proportion of the electorate and things like that. I think that's the right approach to take.

MR. CHAIRMAN: Well, thank you very much for your presentation. We'll all be seeing a practical demonstration of the impact of putting these matters before the voters in both British Columbia and Saskatchewan before the end of the year. We know that. Under the Constitution of Canada they must each meet their electorate before the end of this year, so we'll see how our colleagues in other provinces and fellow citizens view the matters that have been put before them.

Thank you very much.

DR. GERRARD: Thank you.

MR. KENNEY: Thank you.

MR. CHAIRMAN: Sorry we're running a little bit behind time.

David Seutter.

MR. SEUTTER: Thank you, gentlemen, for taking the time to hear me. I do not have a big representation or a big title behind me. I'm just an ordinary taxpayer. I would like to take this time to just give you my views and what I hear in the district.

The immigration laws should be changed. There is no reason why these people that immigrate to this country – they could not live with their culture and their religion in their own country. Then they immigrate to Canada, and they want their rights and bring their religion and their customs and their culture and their idols with them. It should be looked at to see how we can change that for betterment.

There has been enough said. No constitutional changes should grant Quebec any special privileges paid for by other provinces or the federal government. We have already conceded to Quebec. Regardless of what we give them, they will never be satisfied. We have given them the Canadian National Railway office; that moved to Quebec. RCAF moved to Quebec. F-18 fighter service: taken from Winnipeg, given to Quebec. Shipbuilding from Vancouver: gone to Quebec. While we want to treat them right, we'd like to receive the same treatment from them.

Now, we've heard enough about government spending. We appreciate what we heard from the last speakers that were up. The government has to stop spending money on those things we do not need or want. The government in Ottawa spent $906 million on culture in 1989 and 1990. Bilingualism and multiculturalism should be scrapped. Ever since Canada became a bilingual national, Canada has gone downhill. The French language is not used in the U.S.A., Russia, Japan, Germany, or China. Why should the rest of Canada have French language expense forced onto the already overburdened taxpayer? Speak whatever language your mother taught you and keep your culture among yourselves in your own home and family. The enormous cost of forced bilingual labeling, two languages, causes discrimination and confusion. If you cannot speak French, no government job. In Parliament you have to listen to the Francophone stutter through his English and some Anglophones through their French and then listen to the interpreter, which is boring and time consuming. One language unites a country; two divide it.

At the present cost of education we can't even give our children a good education in one language let alone two. This only puts mental strain on some of the children. One main language in the workplace is sufficient. If a bright child wants to learn another language, they can choose a language of their choice in language school, paying their own way. Let's teach the children necessary morals, some discipline, character, honesty;

not stealing, lying, destroying property, murdering, and use of drugs. Let's also teach them how to work and be honest citizens. It would be much better than being bilingual. God used bilingualism once. That was to confuse people, and it was a success. It created confusion, stress, and separation.

The Constitution gives the Prime Minister the right to appoint Senators that will support his government in corrupt ways that has its spending out of control, jobs for his patronage-appointed friends. Scrap the Senate. One elected Senator for each province is all we need, not appointed government friends bringing Canada deeper into debt.

There's lots more, but everything has been said. If you have any comments, I'm through.

11:08

MR. CHAIRMAN: Thank you very much, Mr. Seutter, for coming forward with your concerns. I can assure you we've heard similar expressions as we've gone across the province in the past.

Do any of my colleagues have any questions they wish to pose? Well, let me just tackle one. How do you deal with the reality of Quebec in Canada if we're not going to be able to make some accommodation for them with respect to their language and culture?

MR. SEUTTER: It is a deep problem, and it's a heart-searching problem. I happen to be trilingual. My father was an interpreter in the Russian and Ukrainian languages for the courts in Edmonton. It didn't cost you as a taxpayer any money to make me bilingual. My mother said that it is good to know a second language, but she said also that it is vulgar to speak it when no one understands it unless you are the interpreter. To change all our laws into the French language – for those of us that do not understand the French language and have to listen to an interpreter, have to listen to it twice, is, I think, just as I stated, to most people boring.

It is a question that Quebec want their distinct society, and they want their language. I've no objection. Speak whatever language you like, but in Canada, if Quebec insist on having their French language – that is the main point that they want. Even the Francophone association here wants to have the French language promoted and taught in school. Some children are probably able to learn two languages, but it is not in the best interests because two languages only divide the nation; they do not unite it. This is what is keeping Canada apart.

MR. CHAIRMAN: Okay; but we have in Quebec 7 million people, and they're part of Canada. I take it that what you're saying then is: let Quebec have French as their language and culture and try to work accommodation with them to keep them in Canada. Is that right?

MR. SEUTTER: I think we can't stop them from speaking their language. Their mothers taught it to them, and I am in favour of it, but I sure don't see where dual languages are going to unite Canada any further. It hasn't done it in the last 200 years, and it won't do it in the next one. The only thing that can happen . . . You see what is happening in Yugoslavia; every culture wants its own causes spread. I don't think that grants should be given to every culture that enters into Canada, because this country has been built by many cultures and they should all be treated the same.

MR. CHAIRMAN: Thank you very much, Mr. Seutter, for coming forward.

MR. SEUTTER: Thank you.

MR. CHAIRMAN: Jennifer Klimek.

MS KLIMEK: Mr. Chairman and fellow committee members, what I'd like to do today is briefly go over my submission to you. I have no intention of reading it to you. I'm sure you'll either have read it or will read it. I've set it out into two different areas: first of all, the process of amending the Constitution, and then some of the substances. I really don't intend to get into the nuts and bolts of how you do it. What I'd like to talk more about is some of the philosophy or guiding principles, and I leave it to the experts to decide how those should be done and if, in fact, they should be done.

First of all, on the process: I'd very much like to commend you for having hearings like this. I think it's vital that we the people have an opportunity to express our views to the decision-makers. I'd like to point out that I don't think you should maybe be the ultimate or the sole decision-makers. It's important that you listen to the people, that you consider their views, and that maybe you give it back to them to decide. I haven't come to grips with that, as to whether or not that's the ultimate solution. I caution you that it's really important that you don't just listen and walk away, because in that case I think hearings would be worse than no hearings at all.

Now, with respect to the substance of what should happen to the Constitution, I approached it from the view that the Constitution is a framework by which we relate to each other, government to government and citizen to government, and underlying that should be the notion that we have to try to promote a country where we can all be equal. I'm not sure that's the right term, but we should be valued and be able to be empowered regardless of whether we're in the powerful positions as we see them now.

When I look at that concept, I don't look at sameness; equality is not the same as everyone being the same. When you look at things on paper, we all do have the same opportunities in this society – we can all go to school; we can all get an education; we can all get a good job – but when you look at the reality of our society, that isn't happening. I look around this room, and there are two women sitting on this panel; there are no aboriginal people; there are very few minorities. When you look at the positions of power, it is the white male who appears to dominate, and I think we have to start looking at ways to effect a more equal representation at those powerful levels and in particular in politics. I think a Constitution is a place where you can acknowledge these realistic inequalities that exist and promote ways to deal with them and remedy them. I think if you approach it with that philosophy, that we're trying to promote a system where all of us can be valued, you can allow for things like a distinct society clause where Quebec has an opportunity to be valued and to enjoy its culture much like the rest of us enjoy ours, or affirmative action programs, or giving the aboriginal people self-government.

Now to get into some of the more specific things. I looked at the Charter, and I think it's vital that we do have the Charter. I think it would be a real shame if for some reason it was decided to be gotten rid of, but I think certain things need to be added to it. First and foremost, I'd like to see a right to a safe, clean environment, because without that all our other rights are essentially meaningless. I would like to see some duties put on the government. Listening to the previous speakers on fiscal responsibility, I don't know how far you can go with that realistically, but I think if you have to acknowledge that governments maybe should be helping to create this system whereby we all do have some opportunities, like the first speakers I heard this morning I think it's vital we get rid of the notwithstanding clause. I understand that it was a political compromise, but I resent the fact that I have certain rights that some government can take away at its whim.

Now, looking at the division of power, I am a Canadian first, and I like to think that my success or ability in Canada is not dependent on where I was born. I'm very lucky and fortunate to be in Alberta, a prosperous province, but I think that my ability to have access to good health care, a good education, and a good environment should not depend on the fact that I live in a rich province. I don't like to see Canada as a collection of regions all fighting amongst themselves to get power. I think we have to work a way where we're all Canadians working together like a family. Again I know that there are some practical problems with having a central government: it's cumbersome; it's hard for someone in Ottawa to figure out what's happening in British Columbia. One way I thought of dealing with this is to have the federal government set maybe uniform standards that provinces could exceed if they wanted but would have to meet, and give the administration of those to the provinces. Now, the moment you do that, you have to ensure that the provinces have the wherewithal to do it. I don't know if you'd do it in the Constitution or not, but you have to have a position where the provincial governments will know they will get the fiscal ability to carry out these programs, and maybe that's taking some from the rich and giving to the poor.

Under that, I think it's time we gave our aboriginal peoples a little more self-government. I think they've been neglected. What we have been doing is not working, and I think it's time we started being creative and trying new ways.

Finally – I've heard it a bit this morning – I would like to talk about political accountability. Personally, I think politicians have far too much power in this society and we have to have a way of getting some of it back to the people. One way I'd like to see is a more equal representation of our society in our Legislatures. I think we need to see more women, more aboriginal people. The recent Supreme Court decision has modified that notion of one person, one vote; they said you can change it for reasonable circumstances. I think maybe we should be more creative, looking at ways where maybe you run two candidates, women and men, in constituencies, doubling them so you do have an automatic 50 percent representation of women, or you give the aboriginal people representation based on their population or numbers so that they have some effective spokespeople at the decision-making.

11:18

I like the notion of recall. Listening to you this morning, I'm not sure how you do it, but I think that is one way to make politicians accountable. Again I think you have to be careful so you're not having politicians worrying about being recalled for every decision they make, but there has to be some way that the people have the power to make their elected representatives accountable and representative of their interests.

That's essentially a summary of my paper, and if you have any questions . . .

MR. CHAIRMAN: Thank you for some interesting ideas. There was one in your paper which you didn't elaborate on that I'd just like to ask you about. You indicated a doubling of the size of constituencies and running a men's and women's slate in each constituency to ensure the 50 percent makeup. Actually, the women should be slightly more if it were in terms of population, but . . .

MS KLIMEK: I'd live with 50 right now.

MR. CHAIRMAN: . . . how would you see that operating?

MS KLIMEK: Well, I don't think we need twice as many members. You could run two in each constituency now, but I think that just gets far too cumbersome and you end up with too big a bill and too many members. I think you could have two representatives. Each party would nominate one for each slate, and everyone could vote for either slate; you'd have two votes. I think that's one way of doing it quickly to get representation of women so that their concerns are being addressed in Parliament. It is happening slowly, but at the rate we're going, it could be a very long time till we do have effective or representative numbers in the governments.

MR. CHAIRMAN: One point I should just make. Although she's not here this morning, we do have another woman on our panel who is an aboriginal. She gained election to the Legislature from a vote amongst the entire population in her constituency, and of course that's been the traditional British parliamentary system. There is, in fact, an aboriginal voice on this committee, and although she's not here this morning, she will be with us on other panels.

Yes, Jack Ady.

MR. ADY: Thank you, Mr. Chairman. I have two questions, one having to do with aboriginal self-government. This is a very controversial question in today's world. What kind of structure would you see for aboriginal government? Would you see something of a municipal-type government, or something more extensive than that?

MS KLIMEK: As I said earlier, I'm not sure how you go about doing this, and I would not even pretend to be an expert at it, but I think, first of all, that we should be consulting with them as to how it should be done; I don't think we should be making decisions for how they want to govern themselves. They probably have ideas none of us have even thought about. I think we have to start looking at that and working towards it, and I think it's got to be a system whereby they're making choices for themselves. To be honest, I don't have an answer as to how you do it.

MR. ADY: I just have one other question or observation. In your effort to involve women in politics I think you need to remember that women are not a minority group; they are a majority group in this country, and if we mandated that women comprise 50 per cent of all Legislatures, I think . . . Let me ask you this question: wouldn't we in fact be taking away the democratic right of people to elect whom they choose to elect as opposed to necessarily electing? In other words, if women wanted to be in politics – and they do – and women wanted to elect women, they could, because there are enough of them. So I think we have to be a little careful of interjecting something here that takes away from our democratic process. I don't want to sound antiwomen; I just want to make an observation of what may happen.

MS KLIMEK: I think what you say has some merit, but again I go back to this: on paper we all have a right to be elected, we all have a right to get in there, but I think when you look at the reality of the situation, I can't believe that there are that many women out there who don't want to be in politics or are not capable of it, which is what you would appear to think if you looked at the fact that we all have the same right to be there. I think we have to do some affirmative programs to get that equality, and maybe once it happens we won't need to perpetuate it. It goes back to the situation where maybe it's our system that's creating this inequity. That's a whole feminist discussion, but we need to maybe be looking at that. I see that as one way of sort of putting that ahead faster than waiting for it to evolve over a period of time, which hopefully it will.

MR. CHAIRMAN: Thank you.
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'm just wondering if you could perhaps expand a little bit on the comment you made about: once the federal government has involvement in the funding of various programs, they not be allowed to cut funding for them. Maybe you heard a question earlier that I raised, where the Supreme Court just recently upheld the federal government's right to single out Alberta and Ontario and B.C. to unilaterally change the Canada assistance program. How would you see something like that operating? Would it be a constitutional amendment? Would there be some structure that would be put in place? How could that happen in any practical sense?

MS KLIMEK: Well, I start out with the theory there, Bob, that if you start out with giving someone the authority to do something, they have to have the responsibility to do it. If you're going to put in a Constitution that the federal government can set standards and these are the ones that have to be met, I think that goes hand in hand, and I don't know if you would put in a clause that gives them the responsibility to ensure that that is able to happen if they're going to take the authority for it. I don't know if you do that through a negotiation process whereby you enter into agreements which the government can't get out of – the federal government can't renege on them – or if you put it in as an amendment to the Constitution. When I was thinking about this, it got so that there were so many things I wanted in a Constitution, the thing was getting too long. Then you go back to: well, it should really be a framework by which you measure other legislation. So I guess my answer is: I'm not sure.

MR. HAWKESWORTH: Maybe I could just ask one other question sort of to follow up this. You certainly generated some interest in the idea of affirmative action for Members of Parliament. How would you see that working for visible minorities, or would it work for visible minorities?

MS KLIMEK: I stopped there because I wasn't quite sure how far you carried that. I know women aren't a minority. They're an equal – more than 50 percent of the population, if I understand right, and I think they're underrepresented. Hopefully, you would get those minorities within these two groups of men and women and aboriginals. I realize you can't start putting in every little visible minority out there. I think you have to draw a line; it might be arbitrary, but it's got to be drawn somewhere, and I would draw it at that edge there just for practical purposes.

MR. CHAIRMAN: Okay.
Barrie, and Dennis.

MR. CHIVERS: You started at the beginning of your submission with the proposition that equality doesn't necessarily mean sameness. I wonder if you could relate that proposition to the areas of bilingual and language rights and multiculturalism.

MS KLIMEK: When I was looking at that, that was one issue that did come to mind for me. I'm not quite sure what I feel on the distinct society in Quebec; I waffle on that all the time. But I think if you take the approach that we as a majority have a right to our culture, our language, and we get to use it freely and we're not in danger of losing it, if you start saying that equality isn't sameness, that these people have a right to their culture – which they've had; we gave them that right when we negotiated the terms of our agreement – that allows you, if you decide to allow them, to have a distinct society, because by doing so you're allowing them to value the things we value. So they're equal in that sense, although they're not the same as us. So I think there's some real room for giving Quebec the ability to protect their culture.
Does that answer your question?

11:28

MR. CHIVERS: Yes.

MR. CHAIRMAN: Dennis, our last question.

MR. ANDERSON: Thank you, Mr. Chairman. I was interested in your outline of what should be in the Charter of Rights and Freedoms. It looked like quite an addition to it on details regarding the environment, an outline of quality of life that should be identified, a decent standard of living. Are you then in favour of moving a good part of what is now government decision-making to the courts and giving them the resources to do that, to determine where the quality of life is and isn't, to judge who's being dealt with properly or not? I would think if you went that far, you would need to go beyond just the legal expertise that judges there for life are to have.

MS KLIMEK: I'm not sure I understand your question.

MR. ANDERSON: You're suggesting quite an expansion of what's in the Charter, which is judged by the appointed judges as opposed to the elected governments that now operate vast systems, in order to try and determine what's right environmentally and quality control and so on, or in quality of life where, you know, we debate it and reach the conclusion through input from the people. If you now leave that judgment to the courts as opposed to Legislatures and Parliament, do you believe that we should move a lot of the decision-making there in terms of the infrastructure that's going to be responsible for determining those kinds of things?

MS KLIMEK: What I think you're asking me is: should the courts be the ones who decide whether it's done properly or how it needs to be done? Is that sort of the . . .

MR. ANDERSON: And given the resources to do it. It would seem they would take a lot of the role the government's playing away.

MS KLIMEK: I would suggest that if we were to give that to the courts, they would throw up their arms in horror and say: "We're not here to set this up; we're here to judge whether you're meeting the standard or not. If you're not, then you go back and start over, and when you get it right, we'll let you go through." I don't know if that's an effective way of dealing with things, but I think that's how courts have traditionally dealt with these matters. I'm not sure it would change if you were to put some of these things in here. I guess where you have problems, when you start putting in affirmative programs or things that governments have to do or duties, is how do you go about imposing them? That's a real problem, and that's something we would have to grapple with, I think, further. I really don't have an answer, but I think you have to . . . Maybe it's just a philosophical statement, and it gives people some leverage with the government. I don't know if a court can go in and order a government to do this, that, and the other thing, and that is a problem with putting in positive duties.

MR. CHAIRMAN: Well, thank you. Sorry, Dennis.

MR. ANDERSON: No, I was just going to clarify, then, that you feel that there should be some indication in the Constitution of these rights but not necessarily the ability by the courts to determine what environmental programs are best or what quality of life is for people in different areas.

MS KLIMEK: Yeah. Maybe that's something that would be better in a preamble, so that it's a positive duty or a belief, and that it would be difficult . . . Frankly, I don't know how you'd enforce it, and that would be a real problem if you did throw it into the meat of a Constitution. I think a right to a clean environment would be equivalent to a right to the security of person. If they're going to do something that's going to pollute my air, then maybe there is some legal recourse for that one. That one I wouldn't want to see moved to a preamble, but maybe the quality of life is a governing philosophy under why we have all these things.

MR. CHAIRMAN: Okay. Thank you very much, Jennifer.

Jay Smith. Welcome.

MR. SMITH: Thank you very much. It's a privilege to be with you, and I do appreciate this very much. My background is as a teacher and as a performing artist, so I'm probably concerned about some things that are very different from the very excellent concerns that have been brought to you already. I'm sorry I didn't get the material in to you earlier. Would it be better if I took the time to talk through it rather than read through it?

MR. CHAIRMAN: Yes, I think so. I note that it is extensive. Perhaps you could do that.

MR. SMITH: Okay. I'll probably miss points, and I hope I don't miss too seriously.

In preparing my thoughts for this, I had to justify to myself before I could even think of making points to you, and I realized that a lot of my concerns go back to my loyalty. What am I loyal to? I have to be loyal to myself, and I'm loyal to my family, loyal to my species, and loyal to my planet, which are rather strange things to realize. I have a great deal of trust and love for my country, and I believe I am loyal to it because of the way that my country and the peoples of my country have shaped me. I say the peoples and nations because my father had worked with aboriginal people, and I know that many of the values that he brought into our family were things that he'd been taught through his association with the aboriginal people. When we lived in Montreal or when we lived with French people, we didn't just live by the cultures from Wales and Scotland that my family came from, but we learned from them as well. Therefore, I feel justified in saying, "Hey, I am loyal," to my Anglophone background, to the Francophone background of our country, and to the aboriginal and Metis background of our country.

I'm really surprised to find that, hey, I'm not loyal to Alberta even though I identify strongly with Alberta, but I don't identify any more strongly with Alberta than I do with the University of Alberta, which I graduated from. I identify very strongly with it, but I'm not loyal to it. I'm happy to see money go to Athabasca University and to the University of Lethbridge, et cetera. I think there's a very significant difference between the Constitution of the country that's being set up and the loyalty that's required for that and the participation and loyalty that I have when I take part in politics. I think there's a necessary spiritual foundation that's needed for people to be taking part in a democratic enterprise, and it requires a respect from the majority or those in power for those who are disadvantaged and for those who are in minority positions. If you don't have that, if we don't have that, we don't an active democracy. We have something that is probably going to go the way of a cancerous body: maybe it will be curable; maybe it won't.

Politics is very much like love and war, courtship and war. It is sometimes reasonable to be a little bit unjust, a little bit unfair, especially if you want to win your sweetheart or to win the war or battle, but Constitution setting is something more like marriage or counseling or nurturing. I'm surprised that we have gone so far in our Constitution process leaving it to the excellent people, including yourselves, that we have in political positions and not looking to having a separate constitutional body, where we would think through the requirements a little bit differently for who we have on a representative constitutional assembly.

If I'm choosing somebody for a doctor, a police chief, a judge, a principal, or even for a chef at a restaurant, I'm entrusting my life to these people and I have a lot of similar requirements for these people, but I do not choose them the same way and I don't choose interchangeable people. I suspect that representatives in a constitutional assembly – I don't know who they would be like. I imagine they might be more like the elders of some native peoples' communities, and that's not in any way putting down my political friends. I haven't hurt the feelings of my own MLA by saying this, somewhat more crudely, and I apologize if any of you are hurt by my saying this.

I think that we should have a constitutional assembly, and I'm not saying that the provincial government should give up its rights to the present constitutional amendment. This is the way we've got it, and for goodness' sake, we're not going to have a revolution, I hope, to change our Constitution. I trust our present democratic setup in Canada to eventually arrive at a just solution. I don't think there's any great rush. Oh, yeah, there's some rush, but I don't think there's the rush of even five years.

11:38

Therefore, I ask for a representative assembly, and I have rather strange reasons for it. I would think that it might be wise that election to a representative assembly or to some major aspect of our preparation of a new Constitution should have equal representation between what, when I was a kid, we used to call the whites and the Indians. Okay; that's the aboriginal and Metis people and the nonaboriginal people of our nation. This is going to be very difficult for many very decent people to accept. I think in the long term that Canadians, if it's presented step by step logically to us, will accept equal representation at some stage of the preparation of the Constitution. It's necessary for us spiritually as a democracy, and we won't have a healthy Constitution unless we do this. Amongst us, the non Metis/aboriginal people, probably there should be equal representation between the Anglophone and Francophone. Now, there'd probably have to be some adjustment. I don't know if even within 10 years we will accept a 50 percent native/Metis representative constitutional assembly and 25 percent Anglophone, 25 percent Francophone.

There are lots of reasons to justify it. We in the Anglophone community have had a great deal of experience in electing wise people and in their debating effectively and coming forward with ideas and sharing ideas effectively. You members of this committee are an example of that. In the disadvantaged communities they have not had the opportunity for such honing of skills, and I think an excess representation from the disadvantaged communities is necessary for there to be justice in our preparation of the next Constitution. This is my dream, that if we were electing a constitutional assembly, those of us who are Anglophone non Metis/aboriginal would probably have one constituency covering the whole country, but it would be a multirepresentative constituency. We had that in Alberta actually, something like that, when I was just beginning to vote. My first voting for MLAs was that time, and we even had transferable ballots, which I think was a very desirable thing for something as delicate and important as building a Constitution. With the rough and tumble of political legislation I think it's all right, maybe, not to have a single transferable ballot, but for something where it's as important to have representatives from people like Hutterites, women, other ethnic minorities, a transferable ballot amongst us would be very desirable. I trust that you and the other governments of Canada, once you've got a new Constitution chosen, will validate it in some way publicly by either referendum or by the Constitution being validated by successively elected Houses in the Commons and in the Legislatures.

I hope that you'll have time to read through. My apologies, because I know you're doing so much work and I realize that you would have read it through ahead of time. Is there anything I could say now, or any questions?

MR. CHAIRMAN: All right. We'll have a number of questions. Thank you very much for your interesting presentation, Mr. Smith.

We have Yolande Gagnon.

MRS. GAGNON: What is the total population of native and Metis people in Canada? I should know that, but I don't.

MR. SMITH: I don't know. I'm thinking in terms of it being something like 5 percent. That's my guess.

MRS. GAGNON: But you would not be happy, then, with a constituent assembly with a type of quota system? If you have 8 million Francophones, then they have an equal number of seats. You want it equal no matter what the population is that the group represents.

MR. SMITH: For some stage of the discussion I'm sure it's necessary.

MRS. GAGNON: Secondly, if people are elected to a constituent assembly, would they not then become politicians, and how do you get away from that? Because, you know, people would say, "The politicians can't solve it; let's have the people . . .

MR. SMITH: Well, the political skills are not bad ones. It's give and take, and I'm sure that there will be some politics – but heavens, I work as a teacher. A lot of politics take place in a school.

MRS. GAGNON: I guess my point is that if you're elected, you run for that office, then all kinds of things come into play. So you have the same thing, then, as just electing members of the Legislature or whatever.

MR. SMITH: Not quite. Sorry; I'm not misleading you. Maybe I'm off topic a little bit. If we were electing through a transferable ballot . . . I'm generally left-wing in my politics, and I can remember that the only time I voted for a Tory, it was somebody I deeply respected. He didn't get in at that time, but he became Lieutenant Governor, and it felt good to vote for him because I really respected him. He was my last choice on the ballot, but I would have felt good if he'd got in. I do respect the other people. I mean, I've worked in theatres; I've worked in schools with people of totally divergent political and philosophical . . . And yet – like, I could co-operate with my neighbours. The Constitution is like that co-operation. It has to be.

MRS. GAGNON: By transferable ballot, what you mean is that you'd have three choices on the ballot or . . .

MR. SMITH: We'd have as many choices as you have representatives to choose from, I would imagine. I'm sorry; I really feel that a job . . . If you are accepting this idea, one of the jobs I would leave to you politicians is going through some of the research that's been done on this, because there's been a lot of research on this matter. I only know that it's there, and I've read through it and I'm intrigued, but I don't know it.

MR. CHAIRMAN: Thank you, Mr. Smith. One thought follows up from the question that Mrs. Gagnon just asked you, and that is this. You would not propose having anyone appointed to a constituent assembly; you would want an elected constituent assembly?

MR. SMITH: That's my dream, but you're going to have to agree with all the Legislatures across Canada and the House of Commons as well, I know. So reality is that politics are going to make the final decision. I'm just putting this forward.

MR. CHAIRMAN: Because we've had some people suggest that there be people appointed to a constituent assembly, and it's been a bit of a puzzle in my mind as to how you trust politicians . . . If you don't trust politicians, how do you trust them to appoint somebody to a constituent assembly? It's been a bit of a dilemma in my mind as to how you rationalize this.

MR. SMITH: I trust politicians to legislate.

MR. CHAIRMAN: Okay.

Yes, Barrie.

MR. CHIVERS: Yes, I just wanted to thank you, Mr. Smith, for presenting the values that you consider to be important and illuminating for us the way in which you struggled with the issues. But as I understand your presentation, what you're saying is that the process is at least as important as the product, that in order to have the sort of product of constitutional reform that's going to work in this country, it's absolutely critical and essential that we follow a process which is going to be permissive of resulting in a good end product.

MR. SMITH: Yes. Thank you. A lot of trust has to grow.

MR. CHAIRMAN: Thank you very much, Mr. Smith, for some of your interesting ideas and your frankness. Thank you.

11:48

Now I'll call on Mr. Wilkinson.

I should just point out while Mr. Wilkinson is coming forward that we're making a slight adjustment to our agenda in that Mr. Strzelecki, who on our schedule was to appear this afternoon, will be coming forward next. Then, instead of resuming at 1 o'clock, because he was on early this afternoon, we will come back at 1:45. So our timetable has gotten a little out of whack here, but we will be readjusting to it this afternoon.

Thank you very much for coming, Mr. Wilkinson.

MR. WILKINSON: Thank you for permitting me to come, Mr. Chairman.

In the middle of the night last night I awoke and asked myself quite seriously why in hell I was coming here this morning. The world moves so quickly. Events in Europe particularly have created such an atmosphere that one feels and fears that the press for independence is a worldwide phenomenon and one that to some degree or other will have to be accommodated.

I think the important thing for us to remember is that the people who live in the place we call Quebec are members of our family and will always be members of our family, either as parts of the family or as next-door neighbours. The most important thing for us to do is to conduct ourselves in such a way that feelings between us remain peaceful and co-operative. I feel somewhat like a member of a large family when one part of the family has thrown up its hands and said, "You don't love me anymore; I'm leaving." I'm not quite sure why this is so, but when I listen to my French-Canadian brothers and sisters, I know it is something deep and meaningful to them.

I'm not sure whether our differences are substance or smoke and mirrors in this day of media, whom we cherish and value. Our world has changed. CNN almost makes us one world. Diversely, I think the careful attention our media shows to the question periods both in our federal government and in our Legislature creates mistrust, because it tends to show the politicians as petty people looking for votes and support rather than dealing with substance. We wouldn't have the media not perform their function, but certainly there is a need for some kind of movement in our country where we are going to eliminate some of the negatives and emphasize those things which bind us together and are positive, which may not make good press but do make good feelings and a good nation.

In regards to Quebec, I believe Alberta should support special political status for Quebec under a strong central government. There just has to be a way to recognize their unique situation without discriminating against the other provinces in Canada. On the other hand, if the press for independence goes, I think it should be made quite clear that there will be a bill attached to separation. To downplay that is to go into the realm of fantasy. They should know there is a price. Friends of mine have suggested that should Quebec separate, they should go their own way with the same amount of lands they had when they came into Confederation. Certainly the Balkan states, Lithuania and so on, these people, are facing the need for paying a price. But given the press for independence in the world today, I think we need to give as much consideration to the possibilities of separation as we do to the possibilities of working out some kind of agreement, because the failure to do the latter would be disastrous for the years ahead. If there is to be a divorce, let it be a good divorce. Let us not fall into the pits of hate and dissent.

Strangely enough, it seems to me that the key to this whole process is to be found in the way we deal with our aboriginal peoples. There's been a tremendous amount of growth among the Canadian people over the last 10 or 15 years in regard to our thinking about native people. When I think of the way I was brought up in regard to thinking about aboriginal people, I'm really kind of ashamed. I had good parents but they had very strange ideas, and I believe this is general. If we can deal with our aboriginal people fairly, it seems to me we will also find a way to deal with the people and problems of Quebec. If we can in all ways possible make the aboriginal people masters of their own destiny without creating for them a sense of sovereignty, then I think we will have done the best we can for this period in what will be an ongoing process of integration and understanding.

Treaty areas could be dealt with as municipalities as a starting point. These municipalities could have special civil and criminal arrangements, subject, of course, to the ruling of the Supreme Court, such that individual rights would not be misused. There would be a need to protect the rural population of our aboriginal people from developments, commercial and industrial, which in some way would spoil their environment, poisoning their water and polluting their air.

I believe we should stay with our present provincial boundaries. To move into any kind of regional province is to raise the question: what does B.C. really have in common with Alberta? The geography is so diverse that to bring these two areas together, for instance, would be to make an omelette that just wouldn't whip. Also, it would create a landmass so great that it would be an undertaking equivalent to that of a federal government. It would weaken the federal system and create great problems in representation, especially in Ontario.

In regard to official languages, I believe it is a good thing for our young people to learn two or more languages. We have found in schooling that starting early, children can learn as many as five or six languages. Some of our armed forces people that have raised children in foreign countries have found that they have a smattering of any number of languages which with a little encouragement can be developed. Certainly Belgium has been able to handle this very nicely in regards to the Flemish people. But I do not see any need for either official bilingualism or official unilingualism in Alberta. Those people that speak French in our province can find through processes already in place any help they need for official and governmental purposes. Certainly second-language schools have been a great success, especially in the area of the French language.

11:58

In the area of ethnic and cultural diversity, I have always been a Lester Pearson man. I felt that Canada could become a microcosm of the world where peoples originating from other places could live together peacefully, mingling, mixing, and becoming one homogeneous people at some point in the future.

But I have come to believe that cultures prosper without government support. As long as they have the freedom to gather, to associate, and to be, if they have the will, they will propagate their own particular culture. I believe official multiculturalism has in some way stifled the growth of a Canadian identity. We all tend to look to some other place for the very bottom part of the roots of our existence, whether it be Ukrainian, Iraqi, or whoever. I believe we can be a multicultural people without the government supporting and building that, perhaps to the detriment of the Canadian identity itself.

I have no mind or brain for understanding how we're going to proceed with the Constitution itself, but it seems to me the way we proceed towards it is perhaps as important as the content of the Constitution. For a start, I think there's no place for a constituent assembly. The idea of this popular input is foreign to our tradition. It is unwieldy. It can so easily fall into the hands of vocal groups, be they a minority or majority. Certainly there are other alternatives which may prove to be better. Since the federal government is pressing forward with their own constitutional agenda, seeking, it would seem, no further input from outside, it seems to me the provinces could press for review of the government's working draft whenever it surfaces. I don't know whether it's green or white, perhaps red with blood. We could press for an opportunity to work with this working draft whereby members of the House of Commons and constitutional authorities from our universities plus representatives from, I think, the aboriginal people could review it in concert with each other. If this won't work because of the pressure of time and so on, failing this, this working paper could be presented to a constitutional group from outside the government in much the same way as management presents an offer to labour in their negotiations, and the two bodies sitting together and apart could then come to some kind of compromise more widely acceptable to the people of Canada.

I think that's enough from me, except to say how deeply people feel about this. I don't think Mr. Mulroney is right in waving the flag, aping in some way the American method of dealing with emotion, because Canada is a much deeper stream than the United States. It flows quietly but flows deeply.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Wilkinson. I very much appreciate the fact that when you woke up in the middle of the night, you decided to come after all. I guess all of us have those times when we wake up in the middle of the night and wonder what we're going to do the next day. I thank you very much for your obviously deeply held views.

I don't want to sound like an apologist for the federal government at the moment, but on their agenda, in terms of their proposal, Mr. Clark met with the Premier and myself on Friday and described what they are proposing to do, and it is indeed similar to what you just suggested. They are coming forward with a document which will be a proposal, not a position paper. They then intend to have a committee of the House of Commons and Senate travel across the country. They will be meeting with our select committee, all 16 members – we wanted that and the federal government wants to do that – and with every other province's group, and they vary in nature across the country, and then with the public to have some further consultation. Now, obviously they've incorporated some of the things they heard from the Spicer exercise, but they have not fixed a position they're pushing forward with. I think that's something Mr. Clark made very clear to us. Then, after they've gone through that process, they intend to come forward with a position paper sometime in February, and at that time things will be more fixed, I gather, in terms of what they are proposing. So the process is a little clearer in my mind after our meeting on Friday, although I must still tell you this: I'm not sure what happens after February. That still gives me concern. What they do then with their position paper is obviously going to be a matter of some considerable discussion.

I just wanted to make that point with you, because it seems to me what you're suggesting is indeed what they are going to be trying to do. Everybody involved is clear that they don't want to get into a Meech 2 situation where it is the view of most Canadians that some kind of deal is being struck behind closed doors without consultation.

Yolande and then Nancy.

MRS. GAGNON: Thank you. On page 3 of your presentation, under Canadian Regionalism, you favour a regionally elected Senate rather than an equal by province. Why is that?

MR. WILKINSON: It came partially out of a discussion I had with some people from Ontario. They suggested that to make this thing work, it would be necessary to divide Ontario into several regional sections in order to keep the balance within workable limits. Although there is great diversity in the areas covered in regions, it seemed that by bringing together a wider point of view than just that of one particular province, you would have a greater strength.

12:08

MRS. GAGNON: Secondly, just for clarification. On page 4 you indicate that you do "not . . . recommend that the government of Alberta adopt official English unilingualism." Actually, they've already done that with Bill 60.

MR. WILKINSON: Yes. I realized that afterward. My typewriter got ahead of my brain at that point.

I think the point is that these kinds of regulations tend to drive people into corners, to separate: we/they, that sort of thing. We must avoid that we/they phenomenon wherever it arises; for better or for worse, this is us struggling. Maybe I was making too fine a point on it.

MRS. GAGNON: Thank you.

MS BETKOWSKI: I, too, appreciated your passion about Canada and thank you for sharing it with us. You've used the analogy of the family and of the new democracies emerging, particularly in eastern Europe. I think in both instances we're seeing that as opposed to a model of dominance and control and obedience, we're moving now much more towards models of partnership and a celebration of difference within a whole rather than discrimination against difference. Then you argue for a strong central government. I just want to clarify your point. I just want to ask you whether a strong central government precludes strong provincial governments, strong families, strong individuals that make up that strength.

MR. WILKINSON: Yes. Well pointed out, ma'am.

MS BETKOWSKI: Well, we're all struggling with it, sir.

MR. WILKINSON: Yes. For lack of a better term, a strong centre of guidance so that we don't all fly off into isolation from each other. I think we can watch with a great deal of interest the way the Soviet Union particularly handles this particular situation. It can be a very valuable workshop for us. Although the origins of that federation were so different from ours, it will have some lessons, particularly if the worst happens.

MS BETKOWSKI: Maybe, if I may, it's the issue of a commitment to a whole.

MR. WILKINSON: Yes.

MS BETKOWSKI: Okay. That clarifies it then.

MR. CHAIRMAN: Good. Well, thank you very much, Mr. Wilkinson, for coming forward and sharing your views. You have given us an extensive brief, and I know that you've done an excellent job of summarizing it. We appreciate that too.

MR. WILKINSON: Thank you for your generosity.

MR. CHAIRMAN: Our last presenter for this session – I was going to say this morning, but we've gone slightly into the afternoon – is Mr. Strzelecki.

MR. STRZELECKI: Mr. Chairman, thank you very much for accommodating me at this time. My present submission will focus on multiculturalism.

Mr. Chairman, I am a Canadian of Polish origin. I do not consider myself to be a hyphenated Canadian. On the other hand, it does not offend me if somebody refers to me using the hyphenated description. In my view, those who use this description manifest only a very limited understanding of the reality pertaining to approximately 30 percent of Canadians. It appears that there is a certain paradox in this matter. Very often those persons who insist on hyphenated definitions state that the so-called hyphenation philosophy and mentality is harmful to the unity of Canadian society and that our multiculturalism is not a correct policy and should be curtailed or abandoned. The paradox lies in the fact that these so-called hyphenated people are just wondering: what is the whole fuss about?

It appears to me that true multiculturalism did not come about by Acts of our Parliament and our provincial Legislatures. In my opinion, the very strong desire and willingness of certain ethnic groups to preserve and foster their cultural heritage created our specific Canadian multiculturalism. I have to emphasize that those endeavours have not limited in any way the involvement of the ethnic groups in the mainstream of the whole society. It must be clearly understood that integration is not the same as assimilation.

Last spring the Alberta Culture and Multiculturalism department in one of their publications defined the objective of multiculturalism. Let me quote a part of it:

> The objective is to achieve equality among all Canadians in the economic, social, cultural and political life of Canada.

Mr. Chairman, in the 43-year-old as well as in the current constitution of the Canadian Polish Congress we find the following description of one of the objectives, and I quote:

> To take a keen and active interest in all aspects of Canadian life and to strive to assure members of the Polish groups full participation in the political, economic and cultural life of Canada.

The two statements were made over 40 years apart, but how well they complement each other. The position of the Polish community in Canada is not a unique one.

There are some voices who argue that current multicultural policies encourage social disharmony and fragment our Canadian society. It would be unwise to brush aside those concerns. Indeed, in a few isolated cases those concerns are valid, but we have to be sensible about it. We cannot throw away a full basket of apples because of a few rotten ones.

Let me digress for a moment and briefly ponder the meaning of a democratic system. It appears to me that it is a social and political system where the state has an obligation to all its citizens to provide them with an environment in which they can freely pursue their just activities and aspirations. At the same time, however, the citizens have an obligation to the state and to all others to participate in the common goals of the society as a whole. Both the state's and citizens' activities must be carried out in conformance with the fundamental principles of human rights and freedom.

12:18

We have to appreciate that the depth and degree of understanding of the democratic system and principles of human rights are not shared equally by all people. Thousands of new Canadians have come here from countries with radically different linguistic, social, cultural, and religious traditions. Their arrival in Canada gives many of them the very first opportunity to live in a truly democratic society where adherence to human rights principles though maybe not perfect is well rooted. Questionable, unscrupulous, and hungry-for-power individuals can take advantage of that situation and use some multicultural programs for their selfish aspirations. Mr. Chairman, the rotten apples can be eliminated from the rest, but again there is no need to throw away the good ones.

A few years back the provincial multicultural administration was faced with some rather new policies and programs. There was quite a bit of frustration on both sides; that is, the administration and the ethnic communities. Fortunately nobody said, "It's too bad; it has to be that way." As a result of a great deal of dialogue and consultation with the interested parties, the Alberta Multiculturalism Commission has introduced many very positive changes and a rather innovative approach to its policies and programs. Mr. Chairman, I would like to convey my congratulations to the government of Alberta and to all who actively participated in the design of current multicultural policies and programs.

Summarizing my reflections, many ethnic groups have shown great desires and abilities in establishing and executing various policies and programs which indeed indicate a very healthy modus vivendi between their responsibility to Canada and their ethnic aspirations. These ethnic groups understand well that they have to consider themselves Canadian first, ethnic second. People who claim that the reverse situation prevails within the ethnic communities make a cardinal mistake. These people do not understand the true motivations and actual reasons of those who indeed are very grateful to be able to settle in Canada and to make this country their permanent home. In my view, Mr. Chairman, multiculturalism should have its place in the Constitution of Canada.

Thank you.

MR. CHAIRMAN: Thank you very much for your presentation and thoughtful comments.

Any questions or comments?

We appreciate that very much. If you have your complete text there, it has all been recorded in *Hansard* so we don't all have to get copies of it, but if you would like to leave a copy with our secretary, we'd be pleased to have that for our record. Thank you very much.

Thank you all then. We'll adjourn until 1:45.

[The committee adjourned at 12:22 p.m.]

1:52 p.m. Monday, September 9, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, perhaps we could reassemble. This afternoon we have a number of presenters. For those of you who weren't present this morning, I'll quickly introduce myself. I'm Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat, and I am the chairman of this special select committee of the Alberta Legislature.

We have divided our 16-member committee into two panels. This panel is meeting this week; another panel will meet later on this month. We have additional members who are absent momentarily, but I'll start on my far right and ask the individual members to quickly introduce themselves.

MR. BRADLEY: I'm Fred Bradley, the MLA for Pincher Creek-Crowsnest.

MR. ADY: I'm Jack Ady, the MLA for Cardston.

MR. ANDERSON: Dennis Anderson, the MLA for Calgary-Currie.

MS BETKOWSKI: Nancy Betkowski, MLA for Edmonton-Glenora.

MR. HAWKESWORTH: I'm Bob Hawkesworth, MLA for Calgary-Mountain View.

MRS. GAGNON: Yolande Gagnon, Calgary-McKnight.

MR. CHAIRMAN: Barrie Chivers, the MLA for Edmonton-Strathcona, is temporarily absent, but when he returns, you'll know who he is. On my left is Garry Pocock, who is the secretary.

We've altered our schedule somewhat. Mr. Hurst, who was expecting to be the second presenter, is going to be the first. Is Mr. Hurst here? I'm sorry; Mr. Spencer is going to be the second presenter, right. Mr. Hurst is here and has been here with us this morning. Either microphone, please.

MR. HURST: First of all, thank you very, very much for providing us an opportunity to speak and present our views on Alberta and Canada and our various parts in the new Canada.

At the outset let me say that I have distributed copies of this, which you could use for note purposes more than anything else, because I will depart from it from time to time, I believe.

Let me say that these views will be in support of a strong central government representing a federation of equal provinces and territories. I mention the territories because although responsibilitywise they may not have full provincial status in the way of government functioning, they are representing part of Canada, and they have elected representatives. So I feel that they should be part of the process.

I will stress the two equalities. The first equality is that all citizens will be equal: none superior, none inferior. We will all be equal regardless of where we come from, whether we're aboriginals, whether we're immigrants, or whether we're long-standing stock in the country. None of us would be hyphenated. They will be represented in a parliamentary lower House, in my view. In the vision I see of the new Canada, our Parliament would consist of a lower House, an upper House, and the executive.

The second equality is that all the provinces and the territories would be equal: again, none superior or none inferior. Now, some people may think: am I referring to the distinct society or that sort of thing? Well, I don't quite understand what the distinct society means, but if in any definition or any setup they try to make one province superior to the others by way of representation, by way of powers, or by way of special arrangements with the federal government, then I object to that. I feel that is not the purpose of a federation.

The smallest province or the smallest territory would have equal representation with the largest. It's an equality of the constituents' parts of the federal parliamentary system. I think this arrangement would serve to make our country a true federal state where the individual is represented in the lower House and the province is represented in the upper House. This could balance the demands on equality of the individual versus equity for the province or the territory. Thus perforce all proposed legislation would not likely become law and effected unless it passed the two political tests of meeting a demand on a majority basis of the individuals in Canada and also a demand on a majority basis of the territories of Canada, or the regions or provinces or whatever you want to call them.

The new Canada must be a partnership of equals, provincially and territorially speaking. Selected sovereign rights are relinquished equally from each province in favour of the federal state. The federal state of Canada must be stronger than each or any of its component parts, the provinces and the territories.

I've done considerable reading on this subject as an untrained citizen. I say "untrained"; I've not done these studies at a university for a graduate degree or anything at all. I have studied Malaysia, Australia, the United States of America, Switzerland, Denmark, Germany, and Austria particularly. It's been selective reading. I haven't been to those countries to do my research, so I haven't really followed through too much. I feel that I've learned that the theory and the basis and the fundamental aspect of a federation is that there's an equality. It's a federation of equals. No province or state or whatever can be superior to another or inferior.

Constituent assemblies. I mention this because how do we arrive at this nice thing that I'm talking about? How do we get there? Well, I think we get there by a constituent assembly. I do not mention in here but I should mention to you that I think they would be elected representatives to a constituent assembly. I feel that the provinces, when it's at the provincial level, should supervise and delineate this method of election. It could follow the existing constituency boundaries, provincial boundaries. It should have a plurality to it. There should not be just one representative coming from each constituency. Because there are many people in each constituency that hold different views, there should be at least two, possibly three representatives from each constituency. That kind of election, although it would be costly, should be under the – I believe it's called the preferential vote system. That is one, two, three, not first passed through the gate sort of thing. This, I feel, would permit some representations in some constituencies that have balanced memberships between several parties. You might get some balanced representation that would go to this constituent assembly.

I suggest that a constituent assembly in addition to the provinces' be held for the aboriginal people, that the aboriginal people do this. I believe there are some steps along the way now for that. This would be across Canada for them. That's a pretty big job for them to get together, but they should do somewhat the same. It's going to be their decision though; it won't be ours. But I envisage them deciding somewhat the same, that their bands in their areas would have plural representation to their constituent assembly.

We have the English-speaking provinces, we have the bilingual province of New Brunswick, and we have the French-speaking province of Quebec. I see them all doing this, every one of them. There may be a consensus developed amongst the English-speaking provinces. They may wish to hold a separate constituent assembly. I see nothing wrong in that, because Quebec will certainly hold its own and would be looking to the rest of Canada for a joint response. They don't want us to be divided and whatnot; they want to have somebody they can deal with directly. So I can see the English-speaking provinces, including the bilingual province of New Brunswick, getting together and deciding upon what is their common aim, common goal, and common understanding for a federal state.

How am I doing timewise? Am I doing all right?

2:02

MR. POCOCK: About five more minutes.

MR. HURST: About five more minutes.

"The triple E Senate would be elected, effective, and equitable." No. I would say that a lot of people are putting that out, that we should have a triple E Senate that is that way, but I say it must be equal, not equitable. When the "equitable" people talk about this, you ask them what equitable means and they'll usually start saying: "Well, it means regionally. There's a western region, there's an Ontario region, there's an Atlantic region, and there's a maritime region." The Atlantic region is Quebec, so to speak, and the maritime region the four Atlantic provinces. Now, I say that that's not right. Equitable won't do. It has to be equal. Each of the provinces must be equal, and the Senate must reflect that. Or the Upper House: it might be called something else. I say a Senate, but it could be called something else.

The example that I put in here is that if the western region is defined as the three prairie provinces plus British Columbia, then you have, perhaps, Ontario with 10 members in this House or Quebec with 10 members. Give them any figure; give them six, five, four, two, one, whatever. Then you multiply that by four western provinces. Let's say Ontario had 10; that would put the western region with 40 representatives. They would be together as a bloc. I feel that's unfair, totally unfair. Some may argue, "Oh, no; the western region would only be 10, like Ontario." Well, surely, surely nobody would argue that, but there are some foolish people that speak that way, or misguided people I should perhaps say.

The Supreme Court. I haven't done a great deal of thinking about that. I can't suggest here how the Supreme Court should be reorganized, but I'm not happy with it the way it is. This is something our constituent assembly would have to look at. The different assemblies should have that on their agenda, looking at the Supreme Court.

The double majority. I think that the aboriginal people and Quebec have some legitimate concerns on this equality thing: language and the Civil Code when we think of Quebec and a number of other issues which the aboriginal people would have to identify for us. This double majority, I think we've all heard about it, but I would like to repeat it here. The double majority means that if the subject before any House is a language subject or a Civil Code subject or one of these aboriginal subjects, it should be carried by a majority of more than 50 percent of the provinces and a majority of more than 50 percent of the members. Let's say it was language or Civil Code from Quebec. More than 50 percent of those members from Quebec should vote for this; otherwise the measure would be lost.

Canadian versus hyphenated Canadian. That really bothers me. I'm the son of immigrants. My people immigrated to this country, and nearly all of us in some way immigrated to this country. I grew up in the '30s, went to school in the '30s, and my teachers were all direct immigrants, but you couldn't find greater Canadians than my teachers. They instilled in me a love of country, a love of being a Canadian. They were first-generation Canadians themselves. We've lost that. I don't know how we've lost it, but somehow or other we've lost that. I can suggest multiculturalism, which was foisted on us by the government of the day back in the '60s and early '70s because they wanted to divide and conquer, so to speak, I feel. They tried to say that Canada is a mosaic. That has no backing at all. "We must continue to promote this mosaic, promote each individual culture that has been brought and transplanted here from another land." Well, I say that's not the job of the state. If I want to join a group, then as a group or as individuals we can promote and preserve our own culture or those aspects of it that we wish to preserve. Not the government of Canada. I think the government of Canada's role is to encourage and promote those things that we have in common across the country. How do we define what we have in common? Well, those are some of the things that a constituent assembly can look at.

Direct democracy is another area that I would like to see. The term "direct democracy" to me means referendums, and it also means recall of elected representatives and plebiscites, but the constituent assemblies should have it in their terms of reference to examine this. Do they wish to have those types of direct democracy written into our Constitution? I favour them, but it has to be a constituent assembly's . . . We have to ask the people. The people must be asked. Those of us who have made studies of these things then, we're a kind of select group. Let's ask the people.

I would conclude at this point and invite questions.

MR. CHAIRMAN: Thank you very much, Mr. Hurst. You appeared before the committee once before, on June 1. I wasn't present at that particular meeting, and perhaps some of the other members were not as well. I note that really what you're endorsing here in a major way is the position which has already been taken by the Alberta Legislative Assembly on two occasions in favour of a triple E Senate.

MR. HURST: Yes.

MR. CHAIRMAN: We note that.

In your previous submission you made reference to your concern about the Charter of Rights versus the common law. You did not include that in this particular paper, but I assume your views are the same.

MR. HURST: Yes, that's right.

MR. CHAIRMAN: You are concerned about the impact that the Charter has had in terms of the common law.

MR. HURST: Yes, I am.

MR. CHAIRMAN: All right.

Dennis Anderson, Jack Ady.

MR. ANDERSON: Thank you, Mr. Chairman. Mr. Hurst, you talked about this concept of a constituent assembly, which many have suggested and, I think, identified that it's a difficult concept to put details to. Just so I get your proposal straight, you're suggesting two or three elected people per federal riding? In provinces?

MR. HURST: I was thinking of provincial.

MR. ANDERSON: Provincial ridings. So that would be about – we're getting close to 300 people in this province. Across the country that would be several thousand.

MR. HURST: I wouldn't put too much of a point on it; it could be federal.

MR. ANDERSON: It could be federal.

MR. HURST: As long as there's an area where there's an easy organization that can be set up. If it was federal or provincial there are political parties with organizations in those ridings, or those constituencies as the case may be, so I feel they could adapt themselves to either one.

MR. ANDERSON: Okay. Federal or provincial, I suppose to a greater degree if it's federal . . . The breakdown by constituency, of course, is on the traditional representation-by-population basis, which would give the central Canadian provinces the lion's share of the control, as is currently true in the House of Commons. Would that be any concern to you?

MR. HURST: Well, you're thinking, let's say, that Ontario would have three times as many people in their constituent assembly as Alberta would? Something like that?

MR. ANDERSON: Yeah. You're talking about bringing them all together, are you?

2:12

MR. HURST: No. I'm thinking of provincial constituent assemblies. This is provincial constituent assemblies. Ontario would have its constituent assemblies; so would Alberta. Then each constituent assembly would elect from among their numbers, I would presume, or select – if we could put it either way – a team. I would suggest that this team should be equal amongst the provinces. This team would then get together with the other teams of the other provinces. I'm glad you brought that point up.

MR. ANDERSON: Thank you for that clarification.

MR. CHAIRMAN: Thank you.
Jack Ady and then Bob Hawkesworth.

MR. ADY: Dennis asked one of the questions I had, but my question still has to do with the constituent assembly. It has to do with the political overtones. If you're going to have an election to elect people to a constituent assembly, a lot of the rules that happen in elections will fall into place there. People who want to be part of that constituent assembly are going to have to garner support from people and groups and so on and, lo and behold, you've created a new politician, which you just wouldn't trust to do it 10 minutes before. Now you've got another one that's going to draw up your Constitution. They may very well run on party lines. They certainly will have party affiliation. I guess I'm having a little trouble wondering just how much of a fix you've done by having the constituent assembly when you've created another politician.

MR. HURST: Well, we distrust our politicians, with all due respect to the table here today. But I don't. I think most politicians, regardless of their party affiliation or their philosophy, are holding their views and offering themselves essentially for the public good. I have no problem with politicians. Under the existing system of government, I think a lot of them are tempted. The existing system of government is such that it creates scoundrels.

Coming back to your basic fear of a politician, that doesn't bother me. However, I think the Legislature of the province should set the ground rules for this. They may well say that people who have held political office are not eligible to sit as a representative in the constituent assembly. I've heard that proposed. I have no problem with that either, because I'm sure there are lots of good people out there. It's going to be the citizens in the riding or the constituency that choose their representatives.

MR. CHAIRMAN: Well, for better or for worse, that's what you've got now.

MR. HURST: That's right.

MR. CHAIRMAN: In any event, thank you very much.
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Hurst, for your presentation this afternoon. I think most of the proponents of a triple E Senate have restricted their comments to including the provinces. I take it from your presentation that you'd like to expand that and let territories have equal representation?

MR. HURST: Yes, I would.

MR. HAWKESWORTH: What's your thinking behind that? Why should that be open further to the territories?

MR. HURST: I feel that if we don't give them equal representation, we're continuing colonialism, so to speak. We're saying: "Well, you're colonies. You're less. You don't have the acumen or the savvy to really represent yourself." Yeah, we'll say: "You're a big territory up there. You've got lots of this and that, but somehow or other you can't do this."

Now, I can understand a problem when it comes financially. If they do not have the tax base in a territory to provide all their services and if they do not have the infrastructure – the roads, the airports, this, that and the other thing – to properly look after things, then there needs to be a federal presence, and we in the rest of Canada can subsidize through our taxes some assistance to that territorial area. But when it comes to speaking of our Constitution, which is a very vital thing, then I feel the territories certainly should be represented in helping devise our Constitution. Likewise in our Senate. I feel that it's a territorial type thing in the Senate, because they're not well represented by population. They may only have a few members go to Ottawa in the House of Commons, but they should have equal representation. I hope I helped a little there.

MR. CHAIRMAN: Barrie Chivers.

MR. CHIVERS: Yes. Just a short question, Mr. Hurst. I'm a bit confused by your proposition when you state that there's presently an undue preponderance given to highly populated urban centres such as Edmonton and Calgary in terms of electoral representation. I'm just wondering whether you're aware of the demographics of the present representation, which is that two-thirds of the population resides in urban areas but only has 50 percent of the representation.

MR. HURST: Yes, and I think that's a bit of a problem. I think it's sad. I would like to see under rep by pop that Edmonton and Calgary have much more representation, but only if there is a lower and an upper House to balance this. This is really why I see the problem. You've touched on it exactly. There should be a change. I feel that the cities, the urban, should have more representation in the lower House, but we're afraid of that right now because we don't have a balancing act to balance rep by pop against the territory. Horrors, the extra cost of another level of government, but we need something, some kind of upper House in Alberta to represent the Peace River country and represent various outlying areas and balance this, give equity. We're arguing that on the federal picture, aren't we? We're saying let's have triple E federally because we're afraid of the preponderance of the Ontario representation and Quebec representation. I think the same argument goes provincially. The only thing against it is the economics of having another level of government.

MR. CHAIRMAN: Well, thank you very much. We're appreciative of your views. One way I've expressed what you're doing here is that in a true federation the House of Commons or the lower House represents the democratic principle, which is equality of the individual, but the upper House represents the federal principle, which is equality of the participating states. So there are two principles, the democratic principle and the federal principle, if you're to have a true federation.

Thank you very much for your comments.

MR. HURST: Thank you.

MR. CHAIRMAN: Henry Spencer.

MR. SPENCER: Thank you. I found that very interesting.

Well, it's kind of dark in here. I have a wife who's a little tense sometimes at night, and I read her to sleep. About two minutes after I start reading, she goes to sleep. Maybe I should stand up and gesticulate a little bit if I'm going to read this letter to you.

MR. CHAIRMAN: Well, I think you have our attention.

MR. SPENCER: Okay. I'm a mechanical engineer. I run a little plastics plant. My wife is a professor at the university. You've probably met her, Mr. Horsman. She was on the university board for a while. We live in Ms Betkowski's district, so you have to be with me today.

2:22

MS BETKOWSKI: I'm with you.

MR. SPENCER: By the way, she's on her way to an NSERC meeting in Ottawa and couldn't be here today.

We represent a small group of 24 independent, eclectic thinkers from many walks of life and many political loyalties. Our presentation will attempt, therefore, to be nonpartisan. On May 16 we sent a letter to your group and have been allowed to present the views we have on the Constitution, but since that time there's been a need to rearrange the pattern of our letter and dwell more emphatically on the Quebec question. We have a great opportunity now to build a new and better Canada. We must seize this opportunity with enthusiasm and make it work, and we have to steer the country away from the present course.

On economic grounds alone the separation of Quebec would be disastrous. A global economy is emerging based on knowledge-intensive industries. To compete in the world we need all the intellectual, financial, and marketing resources we have. Losing 15 percent of it would place us below the break-even point. Canada's strengths arise from our broadly based economy and our substantial home market. This includes Quebec as an integral part of our Canadian network. We need Quebec, and economically Quebec needs us whether they admit it or not. Standing in the way of progress toward harmony is our inadequate Constitution. It's of the utmost importance that we conduct constitutional negotiations with goodwill and determination to give us a solid foundation for our future economic strength, our future industrial strength, and our future political strength too. Canada will then be able to give its citizens the kinds of lives and opportunities we value.

Quebec is already a distinct society, but the term needs a legal definition that is acceptable to all. The French are proud of their language and culture, and these are acceptable as part of this distinctiveness. However, since Quebec is the only area in North America where French is the predominant language and the Francophones feel surrounded and threatened by a sea of English, we agree that special measures are necessary to retain their language and culture. Yet we think we should negotiate with them those limitations that have been placed on non-French speakers who live in Quebec. We regard bilingualism as a cultural enrichment and also as an important asset in international trade and commerce. Moreover, it's an important expression of the partnership that makes up Canada and has been enthusiastically embraced across Canada, to judge by the number who are now bilingual or approaching it or sending their kids to bilingual schools. One Canada with two languages is a beneficial concept for our country, but making it legal doesn't go well in the west particularly. Voluntary bilingualism is better. Where it should be legislated is only for the courts and the federal civil service. We don't know much about the French civil law, which was adopted from the Napoleonic Code. It might be worth investigating to see if the Quebec law serves its people as well as the rest of Canadians who are served by our own legal system. This could be a bargaining point.

The rest of our letter addresses other urgent issues. However, before we leave the subject of Quebec, I'd like to quote Laurent Beaudoin, president of Bombardier. He said:

> Tensions between Anglophones and Francophones seem terribly empty, outdated and a throwback to another age.

He goes on.

> The commitment to new federal solutions to Canada's constitutional crisis is shared by the majority of French-speaking leaders of large Quebec companies.

I think that's an important thing to note, that people in Quebec are not all swayed by the media, by their particular flag-wavers.

Other aspects of our letter were not as urgent as the Quebec situation. However, they are still basic to future success.

I'd like to pause here. If anybody has any questions they'd like to ask me about my thoughts on Quebec and my wife's thoughts and our other 24 people's thoughts on Quebec, I'd like to answer them.

MR. CHAIRMAN: Could I just get one point? In your letter you say "losing 15 percent of it." The actual population is 25 percent. If Quebec were to leave, I'm wondering where you got the 15 percent.

MR. SPENCER: Well, I was thinking in terms of their productivity and so on. Probably you're right. I chose 15 percent from ignorance probably.

MR. CHAIRMAN: No, that's fine. I was just curious, because the actual population is about a quarter or a little better than a quarter. If Quebec were to leave, we'd lose a quarter of the population of Canada.

MR. SPENCER: Okay. Let's emphasize that further then.

MR. CHAIRMAN: That's just interesting.

Just a quick comment on this point. We all agree that Quebec is a distinct society, but the term needs a legal definition acceptable to all. I think we would all agree with that. The question is: how do we get to it without making it appear that there is special status? That's the dilemma.

MR. SPENCER: Well, I lived in Quebec for about three years, and I saw little kids sitting in the corner smoking cigarettes; I saw potato chip vendors with their little steam whistles and so on. It's a different kind of society altogether. We really have to understand them. I think it's kind of late now to try to do something about it, but to get more of us out there to see what Quebec's all about and get more of them out here to see what we're all about – it would be a wonderful idea to enlarge on that.

Now, as far as a distinct society is concerned, their terms and their definitions, the word "distinct" in French means something different than in English. In English "distinct" means "standing alone." In French it almost means "distinctive," like a super society, so maybe they have more expectations from it than we have when we talk about distinct. So I think maybe we can come up with a different kind of term to say that they are a French society, of French origin, and therefore have to be treated differently simply because of their laws, their ways of doing things, and their way of life. They want to guard that very carefully, and you can't blame them.

MR. CHAIRMAN: Well, as chairman I don't want to prolong this, but I'd say that you've summed up very nicely in that one sentence a real dilemma which faces us all as Canadians. Now we have to find a solution to that problem, and this committee is part of the process.

Any other comments or questions?

MR. ANDERSON: Mr. Spencer isn't finished, I trust.

MR. CHAIRMAN: No. But on the issue of Quebec, I think he wanted to pause at that point. Okay? Yes.

MRS. GAGNON: Excuse me, Mr. Chairman. I wouldn't mind if Mr. Spencer could expand on using the French civil law as a negotiating tactic. Why should we investigate what they are doing? It sounds a little patronizing.

MR. SPENCER: Maybe I shouldn't be patronizing, but at the same time I have a little business. I go to the bank and tell them: "I deal all across Canada and through the States. How about lending me some money on my receivables?" So I sign little papers for every one of the provinces except Quebec. The bank will not accept the receivables for Quebec. In other words, they say their civil law is such that they cannot collect. If I went defunct and the bank wanted to collect from one of my receivables, they could not go into Quebec and get it.

MRS. GAGNON: This would be a U.S. bank, not a Canadian bank.

MR. SPENCER: No. This is a Canadian bank. A Canadian bank cannot go into Quebec. There are reasons for it, but the way their law is set up . . . When we lived there, I remember the law was framed to protect the country people. There was a little country wagon going along with hay and straw over the back and extending over the highway and no tail lights and somebody came along and smacked it and got killed. The farmer was not at fault. That's what he did all the time. He didn't have to have a light. There are things like that. I mean, that's a ridiculous example, but there are many things about Quebec law which have grown like Topsy. It's different, and I don't think people in Quebec are getting as good a deal as we are with our law.

MRS. GAGNON: But I'm interested in how you see this would be a bargaining point. We would extend our form of law to them if they would do what?

MR. SPENCER: I think we should have a uniform form of law across the country, something anybody anywhere in the country could feel comfortable with.

MRS. GAGNON: So you don't mean a bargaining point then. It's not something we would give to them and they would give back to us.

MR. SPENCER: In a bargaining way. Let us say that they can learn something from us and that they should not consider themselves superior. Maybe we could do something for them by offering them a different set of laws than they have at present. It might be an advantage. Or they could pattern some of their law changes to match ours.

MRS. GAGNON: Interesting. Thank you.

2:32

MR. CHAIRMAN: Okay. Would you like to continue on with the balance of your letter?

MR. SPENCER: Sure. Well, I've made these others in point form. I think a strong federal government is essential. We're not happy that there's a trend towards increased provincial powers, in spite of the fact that we've got a number of people here who are ministers of various departments. I think power shifting has to be good for the people and not just for the power structures involved.

I think, under that, that commerce throughout Canada has to be free. We have to be able to move people, goods and capital, technology and culture wherever they want to go and wherever they're needed. Regionalism in any form can restrict us. I think there are lots of cases where there is regionalism. We're not going to get into any national energy picture here, but we have to think in terms of a strong federal presence needed in environmental control and in stewardship of all our resources, even though that's a provincial jurisdiction, including water, power, and fossil fuels. Resulting potential power struggles between federal and provincial governments for tax revenues from resources can be avoided by fair agreements, but I think that's something we should think about.

We need standardization of social programs and benefits throughout the land with due regard to regional differences and needs. Since education is a provincial responsibility, as is health, standardization will mean a federal presence in policy decisions or a close co-operating network of interprovincial administrators.

The second point: the Charter of Rights must hold across the nation. As it is, we have been able to opt out in several places. I don't think we should do that. Aboriginals should have their land claims settled soon, quickly, but at the same time they should live by the laws of the land. I don't think separate nations are good. I think they've built prejudice. They don't achieve harmony. Canadianism must be promoted. National institutions need to be fostered and must go on even if there's no money for other things.

A previous letter – I had something on this that I think I should read again. Forgive me for being, in the old-fashioned way, chauvinistic.

Canada is the best place in the world to live. To keep it that way we need to build up the important things that bind Canada together. We must build our common history, morals, mores, and a level of education. We must put more emphasis on the ties that bind: economic, industrial, and spiritual. Instead of regionalism we need to concentrate on the country as a whole. Regions can and should be treated fairly but not at the expense of sacrificing the whole. We should build up and not weaken our Canadian institutions, including or even especially the CBC and National Film Board.

We must make travel inside Canada less expensive, not more expensive than travel to foreign destinations. For example, taxes on fuel are one source of trouble and could be lessened for in-Canada flights. Encouragement of interchanges among different parts of Canada by expansion of various exchange programs and other means would pay handsome dividends. The interchanges need not all be tax funded.

Item 5. Immigrants are appreciated but need to be assimilated rather than allowed to build ghettos. Tolerance of immigrants and their customs must be matched by the immigrants' tolerance for our Canadian ways and mores, customs, and the laws. Multiculturalism should be entirely voluntary.

We trust that these constitutional matters will be considered in view of general principles rather than by a too specific set of rules. Applications can be hammered out in the future. What we need now is a workable set of ideas of what our country needs to be, set out in terms that anyone can understand and be proud of. Reform is an ongoing requirement of any healthy country.

Thanks very much.

MR. CHAIRMAN: Thank you very much, Mr. Spencer, for these additional thoughts and those you presented earlier. Just one question I had was that the process we're into now . . . You've heard the previous speaker suggesting a constituent assembly of a new elected body – it would be about three times the size of our current Legislature – to engage in this process. Did you give any thought to the process, or is the current constitutional process . . .

MR. SPENCER: Well, I have a good deal of faith in our present setup. You know, we're used to it; we can make it work. I think all we have to do is get together and make it work. Generally speaking, I think people have a tendency to posture a little from a partisan standpoint, but they really are Canadians at heart. I think when we're talking about general principles, there doesn't have to be any partisanship in it. Therefore, I think it doesn't really matter who's in charge. We have to try to trust our politicians. The fact that we've had an opportunity to talk to some of them and to realize their problems as well as pick up their questions and their concerns – for example, I was listening to the questions today, and there weren't any partisan questions, you know, really.

MR. CHAIRMAN: We're trying to behave. This isn't the question period.

MRS. GAGNON: It's not always easy.

MR. CHAIRMAN: It's not always easy.

Any further questions? Yes, Barrie, and then Dennis Anderson.

MR. CHIVERS: I wonder if you could just clarify for us, Mr. Spencer, your comments with respect to the Charter of Rights. You said it must hold across the nation, and I'm wondering if that was a reference to the notwithstanding or the opting out provisions?

MR. SPENCER: Yeah, the notwithstanding part I think is a cop-out. I think if we're going to have a rule, we should apply it. I think it's a fair rule. The Charter of Rights is hammered out by conscientious people, and I don't think we should sort of sneak under the table and do something else because it's more convenient or because, you know, somebody's going to benefit from it.

MR. CHIVERS: The difficulty there, of course, is that the notwithstanding clause originally inserted in the Constitution was a political compromise in order to arrive at a constitutional agreement. I'm wondering whether you would be prepared to see some sort of a notwithstanding clause perhaps modified from its present form?

MR. SPENCER: Well, everything is compromise. You know, when you're negotiating, you have to compromise; that's true. But when it comes to . . . Well, take the English in Quebec. Now they're getting a bad deal, and it's all just emotional stuff; people are emotional about this. In fact, some of the French people get quite violent about the fact that they see an English sign. They've just been charged up by that. The media has done most of it. The French media is wicked, I'll tell you. So I think as far as the notwithstanding clause is concerned, we probably have to have it, but I think the application of it should be such – and I think it is such – that it only has a limited time.

MR. CHAIRMAN: Of course, that is true in the current Constitution, that it only applies for a five-year period and then would have to be renewed. That is in there.

MR. SPENCER: Yeah, right.

MR. CHAIRMAN: We could go on at some length, but Dennis has a question too.

MR. ANDERSON: Two short ones, Mr. Chairman. First, Mr. Spencer, when you indicated the division of powers or this strong federal presence that you believed in in certain areas, you suggested that with education that could mean the provinces getting together on that strong direction. Would you add that alternative, the provinces getting together, to the other areas such as environment and so on?

MR. SPENCER: Well, the wind blows all the way across the country. You know, it blows from Pincher Creek all the way out to Ottawa. I think that if we get pollution, we can get pollution anywhere; the rivers pollute Lake Winnipeg. I don't know. I think we have to have interprovincial agreements at least. I think maybe the federal limitation should be in seeing that the provinces do get together.

2:42

MR. ANDERSON: Okay. Thank you.

The other was in an area you didn't address in your verbal comments but you do have in your brief. With regards to reforms you talk about party discipline may have been carried too far. Have you any suggestions for us with respect to that?

MR. SPENCER: Yeah, in my old letter. Well, you know, there's a sort of a thing going now that people should vote according to their conscience. There's also this thing about having a constituent assembly. I don't know if you've ever been to a Wheat Pool meeting, but everybody's got a different idea, and it just doesn't work. I think maybe it's good to have a party line, as long as it isn't just to serve some friends or something like that. That's what we hate: the service of friends over the public.

MR. CHAIRMAN: Okay. Well, thank you very much for your thoughts and sharing them with us again, and to your group of 24 eclectic thinkers.

MR. HAWKESWORTH: Those meetings would be interesting, I'm sure.

MR. SPENCER: Well, just like acronyms. You know what an acronym is, eh?

MR. CHAIRMAN: Oh, believe me. You've got a real ally right here on acronyms.

MR. SPENCER: Well, we call ourselves the Edmonton Vocational Institute for Loquaciousness.

MR. CHAIRMAN: You've done well.

MR. SPENCER: Thank you, sir. Thank you very much for letting me appear. Goodbye for now.

MR. CHAIRMAN: Thank you.
Ernie Tyler.

MR. TYLER: Yes, sir.

MR. CHAIRMAN: Welcome.

MR. TYLER: Mr. Chairman, ladies and gentlemen, I thank you for providing this opportunity to address you. I represent myself only. I do not represent any organization or special interest group, but I think I do represent a significant percentage of that silent majority who don't even bother coming to your meetings. You have a lot of chairs behind me and relatively few people.

I do believe that I have notions similar to a significant percentage of the silent majority who have given this issue much thought. Of course, it's not the most interesting subject for many of our people; they would much rather watch a TV program. Much of what I say will now be motherhood to you. You will have heard it before, but I perhaps might reinforce it in some way.

There was a man named Georges Clemenceau who, around about World War II, said that war is much too serious a thing to be left to the military. I paraphrase him by saying that the making of a Constitution is much too serious to be left to the politicians alone, with great respect. The process in its entirety in my view will be totally flawed, as somebody has already said, if the politicians ignore at any stage now from here on in the public at large. You're doing a superb job in making the opportunity to address the politicians, and we should be appreciative of this. This aspect of the process must continue because the process is far from complete, as I think I can show you and I think you know already.

I urge you to beware of the single-interest groups, who will come before you with one issue only, hoping to have it play far more prominence in our nation's programs than it deserves. I'm sure as politicians you take little notice of the people who call you frequently and tell you that you are not listening. You're not listening, ladies and gentlemen, because you perhaps don't agree with what they're saying. If you don't agree with me, I'll make the same claim and it'll be a lot of nonsense, and I hope you recognize it as such.

We'll do this thing only once in our lifetime, I believe, unless we have a revolution. It therefore demands, in my opinion, the best efforts of a lot of people. A significant number of our citizens, as I say, will not be giving this very much attention, and one particular segment is that which has English not as its first language. I believe that in our province in particular we are not providing information services to the people who have a primary language other than our own. Their English is limited, and they're only comfortable in their own language. So I implore you to continue and to expand information to the public. I trust that not only will your report go to the Legislature but that a descriptive brochure will go out, be made available to the public in several languages, including some southeast Asian languages. The services and people available to do this in a hurry I know are readily available.

The media, electronic and print, cannot be relied upon to report effectively and completely the conclusions you reach, whether you put them on the record in the Legislature or not. I urge you to follow the one solution; that is, to buy time and space and publish your words and not words which contain their biases and their preferences rather than yours. I think our public will be better served if you indeed let them write all the stories they like but you publish the words you want to have the citizen be able to read.

Time is short, but we must know what Albertans think, and you're in this process. The federal government and Quebec must be resisted in attempting to pursue a short timetable. The fast-track approach is unwarranted, and now that it has been really recognized that the public should become involved, I trust that you will fight hard to say, "We will take all the time we need to work on this problem until we have it solved to our mutual satisfaction."

I think you're faced with some five major issues directly or marginally, perhaps, related to the development of a new Constitution. First is Quebec's separation; a new division of powers between the federal and provincial authorities; problems related to the native people; problems related to the Senate; and a question of a constituent assembly.

With respect to Quebec, they have been treated poorly in the past by the national government, not necessarily aided and abetted by the provinces. Quebec has many reasons to complain that they were not allowed to be maîtres chez nous, and it was only when they determined to go this route that they started to agitate us and have us concerned particularly with them. We must be prepared to participate actively in the debate which will go on in that province prior to their referendum. We must tell them that Alberta has certain views and we will struggle for them, but we must tell them that they were not a sovereign state nor were we, the provinces. We were not sovereign states with the ability to choose to withdraw. We are not a federation, in a position to give powers to the central authority and withhold those that we choose. We were not created as a federation. Furthermore, at the time of Confederation our province didn't even exist. So let's stop this nonsense of being able to give to the central authority only the power that we choose to give them, but let's tell Quebec the same thing.

2:52

We have many complaints which we share with Quebec, remarkably, as some of you know, for a number of years. Ever since Mr. Lesage we've found many places where the attitudes of Quebec coincided almost totally with ours. I remember reading a presentation by Mr. Lesage and I thought this might be Premier Manning, so similar were the complaints about the central authority.

You will have read, as I have, the Bélanger-Campeau report and the several other reports, or at least summaries of them, that have been done across the country. The Bélanger-Campeau report on the political and constitutional future of Quebec makes some of the most arrogant assumptions respecting the rights of Quebec: that unless Canada agrees, Quebec will separate, and Canada will have to enter into a series of agreements simply because we're contiguous with that country. They did indeed speak with a good cross section of their population, but they seem to have retained preconceived notions and biases and perpetrated them into their report. It may be that their position is just the development of a bargaining posture.

I say again that no province has the right and authority to separate, but it is not difficult to behave in a practical fashion as if you had. Quebec sincerely believes that it has the right. In fact, what would we do if the bottom line were that they were to separate? We would not, I think, do what is happening in Europe at the moment and have the troops running around. We would let them go. But it is very difficult to counter if they are determined – and I think determination is growing in that province – to go their own way.

They are indeed a single and distinct society within Canada, having a distinct culture, language, and legal system. There are, of course, many smaller distinct societies in Canada as well. German, Ukrainian, and the growing southeast Asian community: these are distinct societies. But we don't say, any of us, that that gives them any special privilege. In fact, we go out of our way sometimes to insult them and insist that they don't have any privileges whatsoever. There are many distinct societies in Canada, and those who subscribe to a culture and social mores different than ours should be urged to carry on, not at our expense I say, as somebody else already made the point.

But should Quebec finally decide to withdraw from Canada, I believe we should be saying: "Godspeed. We want compensation for all of the Canadian assets that sit in Quebec, and none of the Canadian systems will be available. You will have to buy your own." I'm sorry; this will impoverish Quebec for the next 50 years. But the police and the customs and the trade arrangements and so on and so on – I don't believe that we should be blithely prepared to sit down unless we see some significant advantage to ourselves.

You're going to meet M. Parizeau, and when you do, I'm sure you'll recognize that he's a very clever spokesman for the séparatistes. He believes fervently that Quebec should leave Canada. He's a skilled and dangerous adversary, who in my view seeks only power for M. Parizeau.

If the Canadian government is not prepared to make some radical changes, then in my view Quebec will indeed go and should not be criticized. But the real question, ladies and gentlemen, in my view is not a question of a new Constitution or new arrangements; it's a question of power sharing. That's what you have been in business all your lives as politicians to grasp and wield and use for the benefit of our country. I'm not saying it's a bad thing, but the acquisition and operation of power is what politics are all about. We have not been well served by a central government. Powers under the BNA Act and the way they have been manipulated on occasion leaves many citizens today, particularly in the last few years, feeling manipulated. We've lost a significant degree of confidence in our governments. We believe that they will just do what they like if it occurs to them. We've seen some examples of that in the recent past. We were starting in Alberta to achieve our potential for self-direction a few years ago. M. Trudeau at the helm of the central government took care of that with his infamous national energy policy and showed us who indeed is the first among equals. This is the attitude that so often has been taken: we are all equal, but we are the first among equals, and with our tax-gathering authority, we will make sure you know that.

Many problems of the 20th and 21st centuries will not be resolved until the provincial governments have the clear authority to operate and maintain those programs which they believe are in the best interests of the provincial citizen with or without the assistance of the central government. This means a clarification and a rearrangement of the powers contained in the present Constitution. Then I immediately say: well, why would Ontario or the feds choose to transfer power and weaken their domination? Is there a way other than constitutional amendment initiated by the provinces and including Quebec? We could then temporarily forget Ontario and still amend the Constitution. I think that's the only way it's going to happen.

The BNA Act subdivided powers rather than awarding powers to the province. All the powers were really with the colony of Canada at the time. It was intended that the central authority be the strong authority, that the provinces would just deal with those things that distance made it inconvenient for the central government to manage. Of course, the advent of today's communication, transportation, et cetera, as you know, has changed that picture entirely. Canada has not made the major and serious changes constitutionally to accommodate today's situation.

National handling of finances and patronage has been a disgrace to our nation. Some provinces are almost equally at fault. To think that an elected body would do some of the things that Canada has done with respect to patronage is appalling.

I'm impressed with the recommendations of the Group of 22. I trust that you're familiar with the 22 individuals, prominent Canadians, who met for several months. I am sincerely impressed with their conclusion when they say that we do not need a brand-new Constitution; we need to improve the existing one. By and large, they recommend that the feds vacate those areas into which I say they have encroached and transfer the appropriate taxing value to the provinces, who can most properly manage those programs. Health is the classic example; there are others. Entry into cost-shared programs, encouragement of the provinces and making it the carrot on the end of the stick for them, remaining in those cost-shared programs for several years, and then in some cases, even without discussion, unilaterally withdrawing: this is no way to run a railroad, Mr. Chairman.

3:02

The Group of 22 recommend the development of uniform standards for those systems which cross our boundaries – like environment, like health, like some of the social services – and that the application and the meeting of those standards then be monitored by an independent agency and reported upon by what they suggest, a new house of federation. They suggest the Senate be elected or appointed by provinces and called a house of federation, and its main duties would be much simpler than they are today. They would review federal/provincial relations legislation, not all legislation. They would, with the provinces, attempt to establish – and I use the word "attempt" advisedly – national standards in many areas, monitor and report on the achieving on those standards. They would review appointments to national bodies which are of interest to provinces, and many of them are. They recommend that three-quarters of the members of the Bank of Canada be appointed by the provinces but the chairman continue to be appointed by cabinet. They recommend the present amending formula remain the same: the federal authority, seven provinces covering 50 percent of the population. They make 28 recommendations, and if you haven't taken a look, I urge you to take a look at them because they may well form the basis of Alberta's position.

Mr. Chairman, the native people. When are we going to solve this problem? I've been a Canadian now for 40 years, and slowly but surely that problem has generated and generated, and now, in my opinion, it's a real cancer in the body of our nation. With years of maladministration and great expenditures, the majority of our native people live in Third World conditions. You and I, having no responsibility for them because the feds have the responsibility, should be ashamed that we have allowed it to deteriorate to this position. But today, inspired and encouraged by white professional advisers having no responsibility for their performances and proposals, they have the native people making outrageous demands and creating their native history as they go along. Their spokesmen have become very professional and seem content to parley, at our expense naturally, forever. We stumble from crisis to crisis in native affairs, and the only clear message I get is, "Send more money." It does not improve the reserve, the status of the Indian on the reserve; it does not improve his desperate condition one iota.

Let us now tell the central government and the native people that we want a timetable that specifies when we're going to complete the resolution of the land claims and other financial matters and that if that timetable is not met, a unilateral imposition will be made by an independent body. Those who have an interest in the negotiations going on indefinitely in my view must be politely told to get lost. After the settlements are reached, I believe that the native people should indeed be given predefined self-government within Canada's laws and Canada's laws amended if necessary. They should be given representation in the House of Commons and in the house of federation. Their individual rights should be the same as all other Canadians'.

There is, of course, essential reform of the Senate. It has been the greatest patronage plum of all. The perquisites are outrageous and shameful. Its influence on the governing of Canada has been absolutely marginal. The concept of it being a house of sober second thought has been a myth. By the same token, Mr. Chairman, an elected, equal, and effective Senate, a triple E Senate, is just a pipe dream. Why would Ontario agree to equal representation in any House? Would it be rep by pop, or rep by percentage of the gross national product produced, or what? A regional basis may be a little better, and when I speak about a constituent assembly, perhaps the same formula could work. But where does the allegiance lie with respect to regional rep? Would a region have veto power? I don't know. I seriously think we should consider a total abolition of the Senate.

A constituent assembly. My view of a constituent assembly is to deal exclusively with the Constitution and have no life longer than dealing with the Constitution, the draft of the Constitution that is provided to them by the federal and provincial drafters of this document. I don't think the membership has to be in the hundreds and hundreds. I think it should be on a national basis, with the country divided into five regions and subregions with 20 representatives from each region, 10 of whom would be elected, 10 of whom would be appointed by a nonpartisan commission to cover those social, economic, religious, ethnic, and academic organizations and others of like kind in our country. That would work out, as I say, with 10 places for our aboriginal people, Indian and Inuit, to bring us to a total, in my counting, of about 100 members, the regions being Quebec, Ontario, the maritimes, the prairies, and British Columbia, with all but British Columbia having 20 delegates and British Columbia having 10.

The role would be to examine the draft of the Constitution clause by clause and recommend its adoption or its rejection. If they were to recommend rejection, they would be obliged to state very clear reasons why and to propose an alternative if that would be appropriate. The federal and provincial authorities should, in my view, be obliged to accept that constituent assembly's recommendations with the right only to modify amendments to clarify. Time frame: reject the fast track. It's an important issue that will take time. I believe that a constituent assembly would need at least three four-week meetings per annum for up to three years. I believe that we should use the national and provincial legislative facilities in between sessions and other services such as the Speaker and his staff, *Hansard*, the translation and information services. It would have a secretariat, mostly from the university, few professional bureaucrats, I would hope. It would have technical advisers, legal and constitutional.

3:12

Funding. I would advocate 50 percent federal, 50 percent the remainder of the provinces by population or GNP. It might be expensive; I expect it to be. Without getting the pencil too sharp, I think in terms of a couple of hundred million per year. In comparison with other programs, this is almost negligible and, in comparison with the import of this program, is warranted. I think it would be worth it to ensure input from all sides and all the people into the completion of this critical document which is to serve our nation for the next hundred years.

In conclusion, Mr. Chairman, ladies and gentlemen, this has really been but a brief overview, but I believe it's typical of what many Albertans might wish to say if they had the chance to come before you. I believe it's the most important matter in recent history that we have to deal with, and I trust that you will not allow anyone to rush you to your conclusions. I'm sure you await with interest, as I do, Mr. Clark's forthcoming proposals, which I hope will coincide with ours, but we'll see about that.

If there are any questions and time is available, I'd be pleased to try to deal with them.

MR. CHAIRMAN: Well, thank you very much, Mr. Tyler, for your very comprehensive comments and for some specifics as to what a constituent assembly might do by way of responsibilities as well as the composition of one. We've had some interesting thoughts in that respect. I would take it – may I just clarify this? – that you would have the constituent assembly perform by way of public approval what some people are urging by a way of a referendum. You do not call for a referendum; you want the constituent assembly to perform that public endorsement of the ultimate Constitution.

MR. TYLER: I don't really see how a referendum could possibly deal with the matter. There are so many questions that would have to be asked. For instance, with respect to what I think has got to be a fairly lengthy document, the only way I see of dealing with it is by debating it clause by clause, understanding what it means, not necessarily totally because courts will always ultimately have something to say about it. I think it's a matter for debate rather than referendum.

MR. CHAIRMAN: Thank you. Just a brief comment, and then Yolande Gagnon.

If you want to go back and do some further reading, you'll find that Premier Godbout and Premier Aberhart back in the 1930s at a dominion/provincial conference were ad idem on most issues, but then that's just another little historical aside. [interjection] Ad idem: of the same mind. Sorry; I threw in a little legal term there.

Yes, Yolande.

MRS. GAGNON: Thank you. You have definitely given this a lot of thought. I think your presentation adds a lot to our debate, but I would like to ask you about the constituent assembly. To whom would those people be accountable? Are we going to elect them? How are we going to select them? That's the problem. If they're named by somebody, then it could be rife with patronage. If they're elected, where are the politics?

MR. TYLER: Obviously I haven't gone into all of the detail, but I could well imagine that a set of qualifications could be enunciated which would not bar any genuinely concerned individual. One of the qualifications might well be that he not be an elected member already, either at the municipal, federal, or provincial level. It may be like this: that only 50 percent be elected, that 50 percent be appointed by the many organizations that we have in our country who do indeed represent large numbers of people. They would be, just off the top, responsible to perhaps the first ministers' conferences, including the first minister of Canada. They would be reporting, in effect, back to both the federal and the provincial governments, who heretofore have dealt with these matters at the first ministers' conferences. They would have this vested authority, in my view, so that we can't just have their views dismissed arbitrarily.

MRS. GAGNON: You see, I think that's my problem and the problem of a lot of people. It makes a lot of sense that 100 Canadians would sit down and look at the federal position and debate it, but how do we arrive at those 100 people to make it fair and equal and on and on? You know, that's the difficult question.

MR. TYLER: I'm not too concerned with it being equal in any way. I believe that if people choose to place their names before the citizens of a region and say, "I think I can do this job," and in fact go around talking about it, they convince the people in the region that they're good people to do this job. It's a short-term job; they're not in there till they're 75 like our dear old Senators. They're there to do this one job and then stand down.

MRS. GAGNON: They're elected, so they become politicians in effect; you grant that.

MR. TYLER: I don't quite follow that. I heard that said before. I'm not quite sure that they're politicians. We can have, for example, as I said, the use of Speakers of our Assemblies, and their role would be to ensure that partisan politics are not introduced into the debates in any way. I know that our Speaker could readily do that. I couldn't agree more that if partisan politics is allowed to get into it, it will have defeated the entire purpose. Now, I'm not sure whether the elected person should be barred. Perhaps one would put a percentage on the number of already elected people who could participate.

MR. CHAIRMAN: Well, thank you very much, Mr. Tyler. You've struggled with this, and we all are struggling with knowing how to ensure that whatever the end result will be, it will in fact have the support of at least a majority of the people. I think that's what our concern is. To get unanimity is an impossibility, I would think.

Nancy, did you wish to ask a question?

MS BETKOWSKI: I have two questions. I, too, enjoyed your very thoughtful and very well-informed presentation. On the aboriginal peoples you spoke about self-government being predefined in law and then the process gone through on the land claim issue. My question is: once you've got to that part and self-government has been hopefully established, then what? Are they equal to all other Canadians in terms of their rights however defined in that self-government model? In order words, do you continue to have, for example, a federal department of native affairs?

MR. TYLER: Oh, no. They would be municipalities like our rural municipalities now, on their land with a government similar, I would suppose, to the ones we have at local levels and exercising all the powers, duties, and responsibilities of a local government and having the ability to counsel with and protest to the federal government. I would see them eventually developing as one or more municipalities on their land. Perhaps the one essential difference would be that they would have total control of their land. I would not think that they would be subject to the land authorities of the provincial government. That's for development, mind you; I haven't gone very far into it yet.

MR. CHAIRMAN: Nancy, one more, and then Bob Hawkesworth.

MS BETKOWSKI: One more, just briefly on the Group of 22 and the house of federation proposal, which was really about arbitrating the division of powers. It seems to me, too, if my memory serves me correctly on their proposal, that it also could affect the role of the Senate and the constituent assembly, as you've defined those two.

3:22

MR. TYLER: Oh, yes. They advocated abolition of the Senate as it exists and creating a house of federation with those limited powers, perhaps a few more, but certainly it not being, as somebody suggested, a partner in any way with the elected House of Commons. I believe the elected House of Commons is totally able to conduct its affairs, as I believe are the provincial governments. I fail to see the notion that we need a second body at the provincial level. I appreciate what the chairman said about democracy and federation, but I insist that we're not a federation and have not been. If you don't want that, then I say: okay; let us determine which powers we will segregate to the central government.

MS BETKOWSKI: Thank you.

MR. CHAIRMAN: Thank you very much.
Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I also would like to add my appreciation to that of my colleagues for your presentation this afternoon. Obviously you've given it a great deal of thought, this whole area. I don't know what your background is, but obviously you've . . .

MR. TYLER: Public servant.

MR. HAWKESWORTH: Okay.

Leave aside for the moment the question of a constituent assembly, whether it is going to be created or not and whether it would be helpful to the process or not; just set that aside for the moment. We've embarked on some kind of a process here in terms of constitutional reform. Can you give me some of your thoughts? We've started it; how do we conclude it? I see a process under way here, but the way ahead is not clear to me in terms of negotiating all of these different issues and bringing the process to some sort of successful conclusion. It's not a question I've asked any of our presenters before, but because of your presentation I just thought I'd like you to maybe think out loud a bit. How do we conclude it?

MR. TYLER: I think you're putting your finger on it. Perhaps the most difficult issue is – I mentioned it obliquely when I said, "Why would Ontario or the government of Canada give up any of its powers?" It's no good saying that the sheer force of logic will do this, because it won't. I wouldn't give up any power that I had unless you offered me a particular benefit or unless I'd lost my constituency. I'm not sure. I think the first ministers, who have to wrestle with this, have a terribly difficult problem because when the bottom line comes along, we have our maritimes saying, "Yeah, we'll go along with the feds otherwise our water will be cut off"; we have Ontario saying, "Well, we don't want any particular change; we're doing all right now"; and Quebec saying, "Well, if you fellows can't see what's wrong, we're gone." I'm not sure how we get the flexibility. I listen to our Prime Minister on occasion, and I think perhaps his flippant remarks are for the media consumption exclusively. On occasion I worry, and I worry if there's a hidden agenda that he and Mr. Trudeau worked out a long time ago to ensure that Quebec left our Confederation. I'm not sure, and I think that perhaps is a subject for intensive study.

I know our ministers here go to federal/provincial meetings. You know where the power is as you sit around the table, and you know who's getting listened to more than the other man. I've sat alongside ministers when this was happening. As far as I was concerned, we were speaking the most logical and intelligent things in the room, but we knew that our views would be, let's say, heard but they would not be fully accepted.

I believe, as I said, that you've put your finger on perhaps the most important issue of all: how do we negotiate to the point where we believe we have a proper solution? It's not like any other kind of negotiation that you or I are familiar with, and it may well be the special study of – the Constitution has been amended in the past, and we do have a formula if we can persuade Quebec and ourselves and sundry others to go along with us, but we change it unilaterally.

MR. HAWKESWORTH: Thank you.

MR. CHAIRMAN: Well, Mr. Tyler, it's not an easy task. You recall not so long ago when we advanced the formula from Alberta which is now in the Constitution that people said that we would never get it, and we have it.

MR. TYLER: Yeah.

MR. CHAIRMAN: We thought it was logical. Perhaps the concern about the disintegration or the destruction of the nation may be the ultimate bargaining position that will bring people to their senses.

MR. TYLER: I believe so, and I think that the bottom line is that you've got to give some to take some.

MR. CHAIRMAN: Thank you very much.

MR. TYLER: Thank you, sir.

MR. CHAIRMAN: Doug Fulford and George Kovacic. Did I pronounce the names correctly? [interjection]

MR. FULFORD: I'm Doug Fulford, and my associate is George Kovacic.

MR. CHAIRMAN: Yes, gentlemen.

MR. FULFORD: Mr. Chairman, hon. members, thanks for the opportunity to appear today. We appreciate the process where ordinary Canadians are given the opportunity to speak on such complex issues. My associate, George Kovacic, is a fourth year economics student at the University of Alberta, and I have operated a small business for 10 years. We both live in Sherwood Park.

At the outset, we think that Canada is the best country in the world, and if we keep that in mind as we proceed, surely we can ensure that we do remain one country. There are many issues, and we appreciate their complexity. We feel that maybe the main issue is that we have to go back to square one in looking at where we're at. If we were to sort of outline a mission statement, we would say, "Keep Canada together and make it strong," but to do that, we think we have to have a uniform and precise division of responsibilities for all provinces and regions of Canada. We think that all provinces should be treated equally and that there is no such thing as a distinct society. Each province should have equal powers, and under a new program we would have to clearly state what the provinces control and what the federal government controls. We have picked a few issues that we wanted to talk about.

Go ahead, George.

MR. KOVACIC: I'll deal with the next three issues, beginning with language. On the matter of language we feel that, for example, the federal responsibilities should be dealt with in both English and French. So if the federal government deals with a certain set limit of responsibilities, these responsibilities throughout the entire country should be dealt with in both official languages. However, we feel that with responsibilities that are dealt with by the provincial government, it should be decided by the province of choice; for example, the province may decide to deal with these responsibilities in both official languages or in English or in French, as they prefer.

The next two issues, regions and aboriginal issues, I'll deal with together because our plan kind of compresses both of them together. First of all, we feel that the Northwest Territories and the Yukon Territory should become equal members with the other 10 provinces in Canada. So what we're proposing is 12 provinces in Canada all with equal status. This is important because the Northwest Territories has a majority population which is native, and this would address in some aspects the native issues in Canada. The Yukon doesn't have a majority, but they have a large proportion of native people. Addressing the concerns of the native people, we feel that if they have equal status, they'll be able to go to the provincial meetings such as we already had just a couple of weeks back, they would have more representation in the House of Commons, et cetera. This we'll also deal with later in our Senate proposals.

3:32

On the aboriginal issues, we feel that aboriginal people should be dealt with equally with all our Canadians. This is important because we feel that everybody has to be treated equally in status here. We feel we should do away with the Indian Act and change all reserves into municipalities and that all native people should have the responsibility to deal with their own concerns, et cetera.

I'm a bit tense. I'm running through it a bit too fast here, and I've got a couple or more points I want to raise here.

MR. CHAIRMAN: Take your time.

MR. KOVACIC: Yeah. I haven't done anything like this before.

Basically, the way we understood this is if we give the natives a special status, they're not really being treated equally in this country. They have to be given equal status with everybody else and rely on the same conditions everybody else gets. For example, acceptance at university shouldn't get preferential status. If the average is set at 85 or whatever for every other Canadian, they should be considered to be 85 too, but they should be given every opportunity to reach this goal.

The reserves should be made municipalities, like every other place in Canada, and they should have the exact jurisdiction of municipalities. Since the reserves were owned by most native people before 1930, they should have the responsibility of having control of their own natural resources, et cetera.

I guess we'll leave that with Doug. Thank you.

MR. FULFORD: The Senate. We think that the present system is not working, and we think that if they would legislate five – or that number could be altered – Senate positions from each province, then there would be equal representation from each region. The Senate positions would be elected, and the Senate elections would be at the same time as the federal elections. Just to summarize that, the Senate would have the power to ensure that regional issues are looked at and looked after by the federal government.

The next is the division of responsibilities. We looked at that, and that certainly is a very complex issue, as to how division of responsibilities would be addressed.

Go ahead, George.

MR. KOVACIC: For the division of responsibilities we feel that the federal government should have certain responsibilities – for example, external affairs, central monetary policies, immigration, defence, international trade issues – which would be a joint concern between the provinces and the federal government. We also believe that for the environment the federal government should be able to set minimum standards, and the federal government should be in control of customs.

We don't want to deregulate federal authority positions so much that we do not have a strong, united Canada. However, we want to revise the responsibilities to make sure this country can stay together. Doing this, we still want the federal government able to have a set number of minimum standards throughout various aspects. For example, if the provincial government is dealing with health care, et cetera, let's say that the minimum health standard, just pulling any number out of a hat, is $1,000. If the federal government wants to deal with this $1,000 minimum, they should fund the provinces to provide this $1,000 minimum. In addition to this, the federal government should be able to set standards in basically any provincial service the provincial government provides.

There are a couple of other points I wanted to raise here. For international trade issues there should be joint concern between any province which should be negotiated in the future.

MR. CHAIRMAN: Just let me clarify. In your paper you say that the province would have all other responsibilities.

MR. KOVACIC: Yeah. With "other responsibilities" we basically mean with "all responsibilities." One reason for looking at it this way is that the federal government has an enormous deficit, and there is duplication of services being done in some areas between the federal government and the provincial government. If we set a precise standard and find out what the provincial government provides and what the federal government provides and move some of the services to the provincial government, maybe we could deal with this problem in a certain more precise way.

MRS. GAGNON: Mr. Chairman, just for clarification of that point too. Dealing, for instance, with health or something like that, if you have the federal standard and the province does not want to live up to that standard, can they opt out and get some kind of compensation? I think this is one of the problems we've had in the past where a province didn't want to go along with a federal program, so they've asked for the ability to excuse themselves from it, but they wanted compensation if they weren't getting the funds for the program the way it was intended.

MR. KOVACIC: The way we saw this over here is that the federal government provides a certain amount of funding. For example, the federal government provides the $1,000 or what it costs to provide the minimum service in this area. If they would not provide this service, then the federal government would not send the $1,000 per person transfer payment over to the provincial government. So it basically would be that the federal government would pay for the first amount of service, which would cost us, for example, $1,000. If any province in Canada decides that they need more than a thousand dollars for services, say, $1,200, they can add the extra $200 on. However, they cannot go under the $1,000 of service. Providing the $1,000 of service through all provinces of Canada could also work in a different way. For example, taxes are basically income regressive; the rich pay more and the poor pay less. With having the minimum standard of service being used and being taxed from all over Canada, the poorer provinces would benefit from the richer provinces in this way.

MR. ANDERSON: Mr. Chairman.

MR. CHAIRMAN: Okay. Sorry; we should let the presenters finish their paper, and then we'll come back if we could. You have another point to make. I'm sorry; I caused this interjection.

MR. FULFORD: After the Supreme Court we stopped, but when we say to revoke the present system, we don't mean to revoke the Supreme Court of Canada. We think that it certainly is a strong institution, but we say where there is a vacancy, a name should be submitted from each province and then allow the government in power at that time to make that decision. As it sits, I think the Supreme Court is pretty well regionalized. If I'm correct, there are three out of Quebec and three out of Ontario and three out of the rest of Canada. Surely there could be a very good appointment from the Northwest Territories and B.C. and Manitoba and P.E.I. all at the same time.

MR. CHAIRMAN: All right. Those were the points you finished. I'm sorry; people do want to go back to that other point. Dennis, did you want to follow through?

MR. ANDERSON: Thank you, Mr. Chairman. I'm just wondering with regards to the establishment of these standards. I understand the thousand dollar minimum or the concept that there is enough money to provide basics in the system. Would you consider provinces in concert establishing standards as being as good as the federal government establishing standards? In other words, not having that regional pull from the central Canadian vote by population control that's there? Or do you feel it's essential that the federal government would establish those alone?

MR. FULFORD: Well, it is one country, and I think part of our problem is that we keep setting different standards in different provinces. I think that if we do have some standards set down, those minimum standards that can be agreed upon, then go from there. The same would be with transportation on the Trans-Canada Highway or the Yellowhead. There is a minimum standard of what that highway will be. The federal government would ensure the minimum standard, and the provinces could go beyond that.

MR. ANDERSON: You said "agreed" minimum standards. Do you mean just agreed within the federal Parliament or agreed between the provinces and the federal government?

MR. FULFORD: Well, I think there would have to be some agreements between the provinces and the federal government, but I think that the federal government would set the minimum standards. Somewhere we have to have minimum standards set.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Jack Ady, Barrie Chivers.

MR. ADY: I'm on a different point if we're still on the point of minimum standards. [interjection] Okay. Thank you.

I just wanted to ask a question as it pertains to division of responsibilities. What would you recommend doing with the postal service?

MR. FULFORD: Do you mean after you privatize it?

MR. ADY: We're not going to do anything with it. The federal government might, but we're not. No. I just wondered: would you advocate that that's going to be a federal responsibility or that you would give it to the provinces?

MR. FULFORD: Certainly again with the postal service there has to be a minimum standard within the country.

MR. ADY: But who has responsibility? This is my question. Who would be responsible? You have External Affairs and immigration and so on under the federal jurisdiction in your brief, and I just wondered where the postal service would fit in that recommendation.

MR. FULFORD: Well, as it deals with what might be considered federal mail, that could be the federal government's responsibility.

MR. ADY: Who is responsible for the postal service of Canada?

MR. FULFORD: The federal government.

MR. ADY: Thank you. That was really my question.

The other question I had has to do with this central monetary policy. By no means am I recommending or advocating or indicating that I think monetary policy should be set by each province individually, but I see that you're recommending that it remain solely the responsibility of the federal government, yet that hasn't worked so well in Canada. For instance, in recent years we've had a circumstance where our monetary policy was being dictated by a circumstance in Ontario because they had high inflation. Consequently, we had high interest rates. The rest of the country was suffering with those high interest rates, and there didn't seem to be a mechanism to fix it. To just leave it there without some way of addressing that inherent problem that we seem to have always had . . . I wondered what you might have in mind to do with that.

MR. KOVACIC: Well, having the central monetary policy under the federal government is important because, first of all, the monetary policy of most nations has been controlled by the federal government: the dollar, interest rates, et cetera. We cannot have a country with three different types of interest rates, because if we do that, we can't have one Canadian dollar, and without a Canadian dollar we can't really have a country. We can have some certain vision put in by the provincial governments, but in general we're going to have to believe that what the federal government says goes in central monetary policies. We can try to negotiate with them to a point, but then again they have to have an overall status to keep this country together. We're going to have to make sacrifices in certain issues, and the federal government will have to make sacrifices in other issues. Overall in the monetary policy the provinces will make a sacrifice to the federal government in this way.

MR. ADY: So what you're really saying about that is that the policy we presently have is about as good as we can do.

MR. FULFORD: Well, I think so. Something we've seen happen here in Alberta is that when the interest rates skyrocketed, the province in their wisdom came in with – if you want to call it; I hate the word "subsidy" – an interest shielding program.

MR. ADY: At a considerable cost.

MR. FULFORD: Certainly. Nothing is for nothing.

MR. CHAIRMAN: Okay. Thanks very much.
Barrie.

3:42

MR. CHIVERS: Yes. Gentlemen, I wonder if you could give us some clarification with respect to how you see the power to tax fitting into your scheme of things. I'm assuming that there would be some federal taxation power, at least within the realm of matters within the federal jurisdiction, but you're suggesting that the federal government would have the power to establish minimum standards in certain areas and that collateral to that would be the financial ability to make transfer payments of one sort or another. I'm just wondering how you would deal with taxation jurisdictions.

MR. KOVACIC: For taxation jurisdictions, the way we were looking at it is that, believe it or not, the GST would probably be one of the best taxes we have overall and income taxes, because they both tax the rich more than they tax the poor, which would help the poorer provinces. The federal government could use the tax revenue they collect from these sources as setting minimum standards. We know they will have to go into a deficit some years, but we should try to have financial responsibility and try to use the money wisely. They should try to set a minimum standard with which they can see if they can enforce and give an equal amount of money to the provinces. So if they can see that a minimum standard in medicare is $1,000 per person per year and if they can afford $900 that year, they'll have to go into a deficit and pay $1,000 to that province to set that minimum standard. They should also have the power, like I said, to tax: GST, income tax, et cetera. The provincial government should also have certain ways of taxing, as they do today. Does that answer your question?

MR. CHIVERS: Well, it answers my question. It begs some differences of opinion, but I think perhaps this is not the place to debate those issues.

MR. CHAIRMAN: Thank you. Gentlemen, you haven't addressed the procedural situation. Maybe I could just ask you. We're going through a process here of seeking public opinion. Eventually we'll come forward with a report. We'll meet with the federal committee and other committees throughout the country. Eventually a document will emerge which, hopefully, will have the support of Canadian people. Perhaps you've been listening to some of the suggestions that a new elected body or a new body be constituted. Have you addressed the process at all in your thinking? If you have, do you support the concept of a new body being created, or are you prepared to leave it in the hands of the current elected representatives to somehow or other make the deal come together?

MR. KOVACIC: Are you referring to a referendum?

MR. CHAIRMAN: Well, that's one of the potentials. What about a constituent assembly? Have you thought of that?

MR. KOVACIC: Establishing a constituent assembly to deal with the aspects of Canada? That is a possible way of doing it, but I think we have enough elected people in Canada right now to deal with the problems with Canada and to decide what's happening. Having a task force traveling around Canada and a task force here in Alberta is a great way of dealing with it. I think we should try to take our time and discover what we need but do it with the people we have in power right now.

MR. CHAIRMAN: Okay. Well, thank you very much, then, for your comments and your thoughts.
Mike Nickel and Scott Day.

MR. NICKEL: It's good to be here, I guess. Running a little late.

MR. CHAIRMAN: I'm sorry we're running a bit late, but it does happen.

MR. NICKEL: Yes. Oh, I know it. I know it.

Well, first of all, both Mr. Day and I would like to thank the committee for the opportunity to speak. We didn't get a chance for the first round. We had other commitments; let's put it that way.

Now, the intention of our submission is not – how would I put it? – like most submissions you've received to date. It does not intend to tell you how to run your committee or what the substance of your findings should be. Instead, it is to shed some light on some of the more fundamental differences in the viewpoints between English Canada and Quebec and the parameters within what I've called the great Canadian debate on the Constitution is about.

Now, no matter what this committee may develop as a contribution to the national process, what matters, I guess, in the final result to the Alberta citizenry are two things: first of all, the Alberta citizenry has to understand the proposals and the intentions of what you're doing, what you come up with in concrete fashion; number two, accept those proposals to be legitimate solutions to the nation's problems. Now, failure in part or in whole of these two criteria could spell, I would argue, utter disaster, not only for those politicians who have a stake in the output but also dire consequences for the nation as a whole. Therefore, this paper is intended to provide some important perspectives on the context of the great debate. It's our opinion that without a thorough understanding of why this debate is taking place and the restrictions on acceptable options and future proposals, you will meet resistance and you will meet conflict and you will not find a solution simply because this debate is not occurring in a political vacuum.

Now, I'm not going to review the paper at this stage because we are running a little bit behind, but hope that you've read it regardless of that and hopefully you'll have some questions. Instead, what I will offer is several conclusions or suggestions towards which any constitutional proposal for Alberta should be couched in or upon.

The central theme of our presentation is that the political elites in Quebec see it as in their interests to use nationalism and arguments about nationalism to promote their bargaining position. Both Latouche and Gagnon and Montcalm argue that nationalism is not the fundamental driving force behind Quebec's position. That one or the other of Quebec's political parties can mobilize a national sentiment for support is true, we cannot deny that, but this is only for the short term. This has occurred usually in response to a real or perceived wrong – being a matter of perception – committed against Francophone rights, such as the Manitoba/Alberta minority schooling issues or, most obviously, in the rejection of the Meech Lake accord.

3:52

After a time we believe other longer term interests soon reimposed themselves on Quebeckers' thoughts. Already Quebeckers are worried about the move towards sovereignty. Polls, I think – if you follow those sorts of things; I know some do, some don't – show a reconsideration of this hard sovereignty position. Latouche and Gagnon and Montcalm stressed the reality of the economic individual in Quebec. As Latouche says, from the safety in numbers they are shifting to individual competitiveness. Now, Latouche warns that in the worst case this could develop into some sort of economic nationalism, but a realistic position is to recognize that Quebeckers are not so ready to risk their economic position for an unknown sovereignty option.

Premier Bourassa recognizes the concerns of Quebeckers on this point and is more likely to negotiate from, "It's our opinion": the Allaire report position. No two things are truer about Robert Bourassa than that he is a pragmatist and that he follows political polls. He is constrained, however, by the Parti Québécois and the majority of the Francophone journalists, the media establishment who support the sovereignty and will take any opportunity to make it difficult for Mr. Bourassa's compromise. We believe Mr. Bourassa wants a compromise, but what we want to say in conclusion is that what it is important for Alberta to consider is the opportunities for negotiations given the context of this debate. In Quebec we should be prepared to seek measures that would promote national unity in exchange for greater recognition of Quebec's distinctiveness.

The problem – and those are my comments – is that the fundamental misunderstanding between Quebec and the rest of Canada deals with Latouche's argument. Quebec perceives in the debate that there are two nations, that there's an English-Canadian nation and that there is a French-Canadian nation. The problem is that English Canada does not readily identify itself as a nation. There are no institutions that are organized in strictly English-Canadian terms; there are no movements organized in strictly English-Canadian terms. This is where the problem in the debate begins. We are not talking about necessarily the same thing, at least in terms of the masses, at least in terms of the voters and the people who ultimately have to live with this document.

So that's basically what we want to say, and if you have any questions, we're willing and ready.

MR. CHAIRMAN: Thank you very much. You've done extensive reading of Quebec thinking on the subject obviously, and I was very interested to read your brief in advance. I think you have, in some respects, stated the issue well for us, and that's helpful to us, but where we go from here now is another question.

MR. NICKEL: What I wanted to do – just to add to that, we didn't put any concrete suggestions one way or the other. We went over the first two volumes, let's put it that way, of submissions to your committee, and we thought it would have been very helpful indeed if we could have condensed things a little more and put things back, way back when the debate first started. We thought that would be helpful for the committee; we thought that would be helpful to you as individuals given your time commitments and things like that. I'm happy to hear that you agree with that, but the implication of the paper is this: no matter what proposal you come up with, be it the constituency assembly option, be it the reform of the Senate and the whole host of things along with that, you have to couch it in terms of the context of what's happening out there. People will not understand. They have difficulty understanding – let's put it this way – when you speak to an average Albertan about English Canada in the sense that, well, "What does it mean to be an English Canadian?" Now a Quebecker, on the other hand, has a clear definition of that. "I am a Quebecker; I speak French, and I have these associated values."

We wanted just to say that before you make your proposals and give it to the Alberta electorate, for example, you take these notions about the debate in hand and basically shape your commentary to that.

MR. CHAIRMAN: Well, you've given us some thinking here, all right.

Dennis Anderson and Yolande Gagnon, please.

MR. ANDERSON: Thank you, Mr. Chairman. You appropriately said that now we start, and with regards to your background, it's very helpful in terms of identifying some of the realities that exist at present and making us more aware of those realities as they apply to Quebec and to Canada, however you define the latter. I am wondering what your advice is to us on how we get into this national debate. Do you believe that we should be debating the specific issues which Quebec has raised and which we may raise through our hearings, or should we be talking together about a new vehicle for all people in Canada to use when going down this future road regardless of what the past may be, whether it's aboriginal concerns of the past or Quebec concerns of the past or western Canadian concerns of the past? Is there a new starting spot we could use?

MR. NICKEL: Did you want to answer that?

MR. SCOTT DAY: When I'm looking at that question I don't know if the paper makes it as clear as we might have liked. What we're looking to establish is a different perspective on the whole question. This committee is obviously looking at what

Albertans think about this whole issue, and I question whether a good deal of Albertans are as informed of what the Quebec position is on the whole perspective of the country. We don't recognize often that they are any different than any other province. We don't recognize that there are some legitimate places of distinctiveness that we could recognize without jeopardizing our own position of the past or necessarily giving up very many legal rights that currently we have under the Constitution.

I think it's important that any approach that we have as an Alberta position for negotiation understands the debate in Quebec; that is, I think the paper and some of our comments today stress that nationalism is not a fundamental long-term aspect of Quebec thinking even though it is the most visible aspect of their politics. The books we've cited have said that a good deal of the nationalism that has become apparent to Canadians has been created by and promoted by the political parties for political ends. The Gagnon and Montcalm book very much supports the idea that the real underlying interest of Quebeckers is in fact economic rather than nationalistic and that when we approach Quebec in this debate, the fundamental unity of what we are looking at will be economic, I think, in many ways, though the main areas of negotiation, main areas of possible compromise will be in areas of culture. I mean, fundamentally it's language, it's culture that Quebeckers are wondering about. The unity will come in economics and the compromise on distinctiveness. In exchange for national unity, compromises on their part will perhaps bring about a real solution.

MR. NICKEL: So to add a little more to your question "Is there a place to start anew?", I don't think so. We don't work in a political vacuum. I mean, the past is the past, and we cannot change it, but if you wanted a place, a solid foundation to start, what will work from coast to coast – and I'm afraid this is my political marketing perspective coming out a little bit – will be an economic argument. It will be whether we are stronger together than we are not. I'm afraid culture – and the paper speaks to that – is perceived differently here in Alberta than it is in Quebec, and my advice would be: don't even try arguing it to both populations, because you're just going to cause confusion.

So again it's an economic approach, and it doesn't need to be as crude as that; I mean, we're talking dollars and cents. There are other ways to speak about economics than just speaking dollars, right?

MR. ANDERSON: If I could just follow that briefly, Mr. Chairman. So you're saying, then, that we need to develop arguments which do cross the individual needs of all Canadians . . .

MR. NICKEL: Quite right.

MR. ANDERSON: . . . as opposed to trying to meet specifically the needs of in this case Quebec, but that we could apply that to other groups interested in the Constitution.

MR. NICKEL: There are two ways you can judge the success of this committee. First of all, does this committee find itself and the output of this committee to be fair, just, and all those sorts of things. You yourselves are judges of that. I'm happy with the committee's findings. Now, the other judges out there are the people you are representing, and how are they going to understand your output. They will understand your output not in terms of the fine details of constitutional arguments; they will understand the output in terms of some quasi abstract one, two, three points in terms of how you're going to present this. That, unfortunately – and maybe I'm being pessimistic here – is just the nature of some of the discourses today in politics.

So I would agree with that statement in the sense that yes, it must transcend the fundamental mechanics, because public tolerance and public understanding is limited in that sense. Even the vehicle, the media establishment in this province is limited to even give that information out. So you're batting under 500 if you're going to try to do that.

4:02

MR. CHAIRMAN: I'm sorry. What was that last point?

MR. NICKEL: About the media establishment?

MR. CHAIRMAN: Yes.

MR. NICKEL: As some of you know, I've just finished an MA thesis on agenda setting between politicians and journalists. I found in my thesis that the media establishment, rightly or wrongly, is not the complete disseminator of fact; it just can't be. There are the market restrictions on time, on space, and things like that. So when we get into detailed debates about mechanics and you want to try to explain to the electorate as a whole about the mechanics, it's going to be a very, very, very difficult enterprise.

MR. CHAIRMAN: Scott, did you want to get in?

MR. SCOTT DAY: Yes. In addition to the problems of communicating with your electorate – you know, what processes led to your decisions as far as your position goes – you are representatives of the population. However, there is, I think, room for leadership, and when you're building a country, when you're looking at a national document that you're wanting to put together, it is important to understand the role of leadership and maybe keeping ahead of your electorate and hoping that over time the Constitution itself will create the understanding of why it turned out that way. What I'm really trying to stress is that leadership is important in this, not just taking the recommendations and also the prejudices of each us that do come into these things: understanding what the big picture is, the national picture, and the good of the country.

MR. CHAIRMAN: Thank you very much.
Yolande.

MRS. GAGNON: I couldn't agree with you more that we can't count on the media to deliver the message.

You've said that certain leaders in Quebec are using the you-are-the-victim syndrome in order to gain power. Wouldn't you agree that other leaders across the country are using the same kind of message – you are the victim – and the whole thing is in order to get power?

MR. NICKEL: I'll only speak towards my study of the Quebec case. Be it Taschereau, be it Lévesque, be it Bourassa, we've used nationalism. Quebec has used nationalism as a tool very visibly. Now, that is not the same way they've used that argument, let's say, in British Columbia under Rita Johnston, who's using it for a different aim, an electoral aim. Unfortunately, that's politics, and it will happen. Perhaps it will happen again. I think nationalism which is passion over reason is always bad. That's a Trudeau argument. I hate to say it, but . . .

MRS. GAGNON: I'm talking not so much about nationalism but about this idea that you have been victimized – your rights have not been recognized; you are powerless – creating this sense of alienation so that people are willing to turn to a demagogue for leadership or whatever. That's my concern, and it's happening everywhere I think.

MR. SCOTT DAY: We can, I suppose, overstate the fact. I mean, nationalism, what we're trying to say, has been a short-term thing in Quebec. It's always faded after awhile. It's always been something that's been brought up by the parties and stressed on the basis of emotion. Now, the source of the party's ability to do this has often been actions in English Canada that they felt were alienating Quebec from the country.

MRS. GAGNON: I'm not saying there were never any reasons, but sometimes they've been overexaggerated.

MR. SCOTT DAY: Definitely. They definitely have been overexaggerated. Mr. Parizeau is the prime proponent of that right now obviously.

MR. CHAIRMAN: Well, we'll hear from him on Friday in Calgary.
Yes, Barrie, and then Bob.

MR. CHIVERS: You've presented a very interesting thesis, gentlemen. I wonder if you could assist me by giving me some indication of how it can be applied to one of the themes that seems to be emerging in Alberta and has to do with the concept of equity between provinces, between regions in terms of the Charter of Rights and the notwithstanding clause. Now, in terms of the political milieu that we find ourselves in, how can we apply your thesis to those circumstances?

MR. NICKEL: Scott may disagree with me on this, but certain things are going to happen. You will have to prioritize what you want to emphasize. Simply, when you introduce the notwithstanding clause, the reform of the Senate – this, this, and this – which are all tremendously large issues that have tremendous implications on each of their own, I would suggest – what was his name? He was about two speakers ago – you'd better take your time on this and think your way through on it. You just will not be able to introduce all of this at once, not if you want it accepted by a wider population. I couldn't tell you how to take the notwithstanding clause and put it in and couch it in an economic argument at this point and say notwithstanding is for the economic prosperity of Alberta – I can't think of something off the top of my head – but if you want to take some other more salient issues about provincial/federal jurisdictions and demonstrate to the people that this exchange will have positive economic benefits for all those around the table, then you're not only talking in terms of their language, you're also inferring some sense of legitimacy because they agree with you, because they understand you. It's as self-evident as that.

MR. CHIVERS: Well, I understand that, but in terms of the saliency of notwithstanding, of all the topics that have been addressed to this committee, that is one of the topics that is most frequently addressed and which people consider a very salient issue. They feel that they've been poorly served in Alberta by Quebec having the right to opt out of Charter-protected rights and freedoms, and whether we like it or not, that is an issue; it's an issue we must address. I agree with you. I'm not sure how you present that in economic terms, unless you can convince people that the issue is whether or not we're going to hold together as a nation and whether we can convince Albertans that leaving the notwithstanding clause in the constitutional arrangements, the constitutional accord is the price we should be prepared to pay in order to maintain Canada in its present form. But I'm not sure that you can convince Albertans of that necessity on an economic argument.

MR. SCOTT DAY: I can tell there are differences of opinion here, especially with regards to the notwithstanding clause as Alberta was fairly fundamental in the last negotiations for the establishment of that. I think it's a mistake to take a single issue in this and say that this is what has to be done without regard to what other balancing aspects you can get. The notwithstanding clause is something that I think is obviously a large provincial power, whereas taking it out would obviously create a stronger centralizing force in our country. If we were going to allow Quebec, let's say, special powers in terms of culture and language, which they seem to desire, then it would be, I think, incumbent on the Alberta position to look at changes if not – Mike won't necessarily agree with abolishing the notwithstanding clause, but perhaps restricting it from its current too broad coverage.

MR. NICKEL: Simply because . . .

MR. CHAIRMAN: I don't think we can encourage a debate between you two gentlemen at the moment here.

MR. SCOTT DAY: The language law, for example, is obviously the worst aspect of that, although again Quebeckers would turn around and say that the Charter also guarantees education rights in minority languages throughout the country, and that likewise has not happened in Alberta nor Manitoba. So there are serious problems with that, and if we are going to give special powers to Quebec, we should also look at strengthening the unifying aspects of the Constitution through perhaps the notwithstanding clause or other measures.

4:12

MR. CHAIRMAN: All right.
Bob.

MR. HAWKESWORTH: Thanks, Mr. Chairman. I think my question is maybe the other side of this, because it wasn't simply a notwithstanding clause that doomed Meech Lake; it was in conjunction with a notion of a distinct society and special status and different status and different rights depending on where you live. Many of the Albertans who have appeared before this committee have expressed genuine concern about establishing two tiers of citizenship in Canada and two tiers of rights and so on. Without pointing out anybody, the two gentlemen who appeared just before you expressed some of those viewpoints. So there's sort of this bridge that somehow I think is going to be more than just symbolic, but it's highly charged symbolically. It's a question of recognizing Quebec as distinct. However that's worded for Quebec, that's the litmus test. For many of our public in Alberta that's also another kind of litmus test. I think your paper really gets at that in some way. Can you sort of apply what you're saying in the specific context of a distinctive society clause, and how do we bridge that in terms of political leadership?

MR. NICKEL: Well, Scott may have his own opinion. If I were to make some of these decisions . . . As you have read in the paper, because of the nature of the debate, there are some things we're not going to agree on, but we have to get to a level in all the provinces, and this is where this economic argument comes in that we'll agree to disagree. Right? It is more important to our prosperity and our long-term future for ourselves and our children to keep this show together. Now, when we speak in that way, you have to find a way to override this concern. You understand that I'm looking at it in a broader, more abstract sense, because the way they're going to try to interpret it is in terms of the voter, in terms of their perceptions. For example, if you see on television the burning of the Canadian flag and get no rationale behind why that man's jumping up and down on the Canadian flag and burning it, it just makes you angry as a voter. Then this latent hatred is left over in the voter's mind and moved over to: "Well, now they want a distinct society. There's no way I'm going to give them that after what I've seen them do." There's a major misunderstanding in terms of the debate. So we have to rise above that debate and try to understand it in terms that are from Newfoundland to British Columbia. I believe those broad economic arguments are an important bridge. That's the only argument I can see that's applicable from coast to coast, and it's a coast-to-coast affair, of course.

MR. CHAIRMAN: You've given us some very thoughtful comments. We appreciate the depth of your review of the Quebec psyche on this issue which, as you point out, is not uniform any more than there is such a uniform thing to Quebeckers as the rest of Canada.

MR. SCOTT DAY: I know that was a kind of summing up. I'm afraid I'm going to have to jump in with a little bit more.

In terms of the paper talking about Latouche's perspective, I know it's been a sacred cow of a good deal of the approach of English Canada. It's been fairly collective at least in this regard, that we don't want to give any special status to Quebec. I think there may be areas where this can be given, and we shouldn't be looking at it simply as a sacred cow of simple equality. I'm not really talking about economic areas or real jurisdictional areas. I'm talking about recognition of cultural organizations within Quebec and that sort of thing more than anything else. I know Alberta's position has been that equality of the provinces is essential. I think if we counter any weakening measures of the nation – that is, any measures that would give Quebec special powers or special jurisdictions – we could counter by strengthening the national fabric through whatever measures, whether that be the notwithstanding clause or strengthening areas where minority rights are protected within and outside of Quebec, et cetera.

MR. NICKEL: Just as a quick point, Scott is a total centralist. I'm a decentralist, and if we can agree on this . . . We agree on the fundamentals of what Quebec means, but we may not necessarily agree on where the country should go with it.

Thank you.

MR. CHAIRMAN: Thank you very much. I appreciate your views.

MRS. GAGNON: There are only two of you. Think of us and how difficult it's going to be.

MR. CHAIRMAN: Well, thank you very much.

Charles Denney.

MR. DENNEY: Thank you, Mr. Chairman and ladies and gentlemen. I brought an extra copy for you.

First of all, I'm sorry I'm at the tail end of the day, because I'm sure you're all tired.

MR. CHAIRMAN: We have an evening session to go through yet as well.

MR. DENNEY: Well, I can sympathize with you. But I appreciate the opportunity to speak to you today. I missed the spring session by one day, but what I have to say today will augment and duplicate both.

You've already received some of my submissions. Particularly, I sent you a copy of a letter I wrote to Mr. Bourassa in which I outlined my thoughts about some of the history of Quebec development and their language problems as well as some of their other problems. So I hope you will all have an opportunity to read what I sent. I put a great deal of time and effort into preparing the submissions.

Today, in the limited time available, I'd like to talk about four points in particular. One is official bilingualism and official multiculturalism; another is the powers and responsibilities of the different governments that you've been discussing somewhat today. Then I'd like to deal a bit with the means by which I think disputes over these powers can be resolved, and I hope to give you my thoughts on the Senate's responsibilities and composition.

First of all, with respect to official multiculturalism and official bilingualism, I have the same feelings as some of the folks who have already addressed you today. I see nothing at all wrong with multiculturalism and bilingualism or multilingualism, but I see a great deal wrong with official multiculturalism and official bilingualism. They are quite two different things. I see official bilingualism and official multiculturalism as promoting a disastrous policy of division. We can't have a united nation, a harmonious nation, unless it's homogeneous and we are Canadians and think of ourselves as Canadians at all times. That doesn't mean to say that we can't think of ourselves as Albertans or Ontarians or some other province, but we must think of ourselves as Canadians. I've been sensing in recent years a diminishing national sensibility, a concern. We have hyphenated Canadians all over the place, and I think that's a tragedy. We've been spending money promoting both of those, but whatever funds we have I think should be spent promoting Canada – its history, its language, its literature – and the integration of new cultures into our own culture, making them part of our culture and not cultures separate within a culture.

4:22

I think we should give some special attention to the province of Quebec. My impressions and my studies indicate to me that the people of Quebec have been badly, badly, badly misinformed about who they are and what they are. They don't seem to appreciate at all the benevolent attention they've had from Britain and the rest of the people of Canada. They don't seem to realize that on seven different occasions their language was saved for them, and that I think is important. They don't seem to appreciate that at all. They're even so mixed up about the subject that they would now have us not speak English at all. Some of the people in Quebec would have us not speak English at all in Quebec, and I think that's a tragedy. In my opinion, it's too bad that in 1763, at the time of the conquest, there was no official schooling – there wasn't even in Britain – for everybody. The result was that schooling was left in the hands of the church, and the church taught what it felt was necessary. If you got an education, you found it on your own. I contend that it's the responsibility of every Canadian to learn English, and that includes the people in Quebec. This became an English country in 1763, and the folk in Quebec seem to have forgotten that. I contend that the French language was guaranteed in certain ways in the BNA Act and that is the extent to which French should be guaranteed.

Coming to distribution of powers, it isn't necessary for me to remind you that the provincial government has from time to time indicated that it wants more powers here or there. I can sympathize with that, I can tell you. B.C. recently announced that it would like to have exclusive jurisdiction over its rivers. I think it may be facetious, but Quebec seems to think it should have exclusive jurisdiction over everything it can think of. Now we have the Indians and the Metis suggesting that the jurisdiction of this country should be turned over to them. I read that in the paper a bit ago. Now, they haven't said what they would like to do with us. The problem, then, is how to determine in a civilized way what powers and responsibilities should be exercised by which level of government. I'm sure that's a matter of great concern to you, as it has been over the many, many years I've been an observer.

Now, provincial committees such as this and spontaneously assembled committees of concerned citizens – you heard mention of that committee of 22 today – and other politically inspired committees are grappling with the problems that face us in Canada. The Liberal Party of Canada has come out with a policy statement which it is proposing to promote for Canada, and now the PCs, under the Hon. Joe Clark, are trying to develop a program too, which they promise to bring forward to us. Their program, like Mr. Chrétien's, for instance, they hope will be able to pacify Quebec and pacify the aboriginals and at the same time keep the rest of us from wanting to secede.

Considering the complexity of the issues and the self-interests involved, not one of the committees we've been speaking of, including this one, can do more than explore the issues. I don't think that's wrong, but that's the limit. They have no validity. We can't do anything except talk. They're really going nowhere. And worse, much worse, the PC government, regardless of what it has been telling us about consulting us and regardless of how it does consult us – and I'm sure they're going to send out a report and we're supposed to react – will have established a position. They've been going through agony now for weeks and weeks and weeks, and when they get all finished, they're going to say, "That's it." I'm sure they are. Then I'm sure they're going to try to sell it to the rest of us, all of us, and they're going to go into the next federal election with that program. I'm sure they're going to use every stratagem and everything they can do to make us accept that policy. You heard Mr. Mulroney shout on August 8 – I'm sure you did – that his enemies are Canada's enemies. Mr. Clark has already been saying, "What's going to happen?" I submit, therefore, that there has to be assembled a nationwide body of people who can examine, debate, and decide all the issues that concern all levels of government as well as the people. I think you should make very, very clear to Mr. Clark and the federal government now that it simply isn't good enough that Mr. Clark and a committee can sit around the table and decide all the issues, because they're not going to consider all the issues to everybody's satisfaction in Canada. Now, mind you, they'll never do it to everybody's satisfaction anyway, will they? But they're not going to do it in a single political party situation.

So I'm back to the constituent assembly that you've been hearing about today, but I have a different opinion about how it should be constituted. First of all, as you're very much aware, the governments have been scared of a constituent assembly and how you'd get it constituted, but I don't think they should be scared. I haven't any objection to politicians at all. I think there are some politicians, individuals, that we could be sorry about, but by and large I have a high regard for politicians. I feel that if anybody knows the problems that beset us and divide us, it's the politicians. They're the people who have been working on the subject, and they have to deal with divisions and problems day after day after day, province over province and federal government as well.

So I suggest it's a simple thing to establish a constituent assembly without an election or without going outside the political sphere by appointing from each of the following organizations an equal number of representatives to sit in a constituent assembly; for instance, an equal number from each of the registered federal parties. Now, we have federal parties that are not represented in the House of Commons; otherwise, you might say from each of the parties in the House of Commons. I think that we should go beyond that, because the parties that are not represented in the House of Commons still have ideas and still should be able to contribute considerably to a debate. Then from each of the provincial Legislatures – and I would hope that the representatives would reflect the various political opinions within the Legislature – and then from the territorial government and from the Assembly of First Nations. It has become clear in recent times that the Assembly of First Nations, the Indian and aboriginal people, are clamouring for more and more attention and recognition. That doesn't mean to say that I'm convinced they deserve some of the things they're asking for. I'm not sure that they're being so badly abused as some people think. I think that the federal government has spent a tremendous amount of money assisting the native peoples to make themselves unhappy and to do things that aren't helpful for them at all.

4:32

The assembly, again, should be empowered to engage or call expert witnesses on any subject under discussion, and they should be empowered to hear representations. Now, you're hearing representations from us, but you're not in a position to decide. You're going to come up with a report, but it isn't going to be a decisive thing. If we had the constituent assembly that I envision, I'm convinced that they should be able to come up with some pretty definite recommendations, arrived at after considerable debate.

One of the things again: if Quebec refuses to participate in such an assembly or if after everything is debated and there's a general consensus they refuse to go along, then I contend that that body should have the power to decide Quebec's future. I want to point out again, as has been said before by other people, that the federal government, with representatives from Quebec in it, is in no position to deal with the problem of powers for Quebec relative to powers for other people. Any of the elected parties in Ottawa cannot deal with Quebec because they're not dealing at arm's length. So I contend that a constituent assembly, if it comes down to the point, should be in a position to say to Quebec: "If Canada can be divided, so can Quebec. We're not going to separate the maritime provinces from Ontario and the rest of Canada, and you could perhaps go back to the position you were, the size you were at the time of Confederation, because that's what you brought into Confederation."

One of the things, of course, that I think should very definitely be demanded by Alberta as well as by others – and I know that your position is that we should have a triple E Senate. Some people say that Ontario isn't going to agree and Quebec isn't going to agree, but they're going to want to have other things. I'm satisfied that in a considered debate carried out over a period of time, both Quebec and Ontario for both national and economic reasons are going to be much more agreeable than it appears now. I think that in the elections for the Senate the members should not have any recent political history. It should be as near as possible a neutral body. So I would suggest that any election for Senators be on a very low key politically.

Then, the powers of the Senate. Now, I've been giving some thought to powers of the Senate, and this is one of the things that I noticed today that I missed. One man suggested that maybe they should do away with the Senate. I don't believe that, but I think that the powers of the Senate should be expanded and should be spelled out as much as they can be spelled out.

If I may revert for a moment to the powers, the responsibilities that concern us all, at the time of Confederation, the BNA Act, as I recall it, said that the residual powers would rest in the federal government. I'm sure that you folks have read the BNA Act and the new Constitution and everything, but my recollection is that it said that the residual powers would rest in the federal government. When it came to a pinch, there was no such thing as residual powers. If you're going to talk about water resources and education and agriculture and labour, for goodness' sake, they went over the boundaries of provinces. So they became of concern to the provinces as well as to the federal government.

I think that the Senate should be empowered to initiate legislation, as it does in the United States, other than a Bill to impose taxes. I think it should be prepared to study issues and make recommendations whether it promoted legislation or not. I think it should be able to conduct inquiries into controversial issues, alleged misconduct, and breach of disclosure. We haven't any real body today that is responsible for that sort of thing. It should refuse to approve as presented any legislation passed by the Commons; in other words, it leaves room for compromise with the Commons. It should refuse also to pass even a tax Bill or a money Bill if it would discriminate against or in favour of a region or a province. It should be required to deal expeditiously with a Bill coming from the Commons, and we've seen where the present Senate hasn't done that.

This is perhaps revolutionary. I think that we have to get the appointment of the Governor General and the Lieutenant Governors out of politics. So I suggest that the Senate should be responsible for naming our Governor General and the Lieutenant Governors.

I think the same thing applies to our judges. I think that the Senate should be empowered to select our judges, and I was going to say: except provincial or magistrate judges. I'm not sure that that's right either, because the majority of our judicial decisions are made, as you very well know, in our provincial courts and never get any farther. They should certainly name our citizenship judges. There's a sample out there in the Vancouver area where the citizenship judge knows the language but doesn't speak it. Because she didn't speak the language, didn't speak English, she turned down a Scotchwoman.

4:42

It should investigate complaints relating to the justice system. We know that there are complaints about the justice system, and they go uncared for. They should have authority to take remedial action. Then, again, they should be able to select the judges, as somebody else has said, from any place they find them. Our judges should be unbiased and their only loyalty should be to Canada, the whole of Canada. There should be no possibility of bias whatsoever in favour of any province or any people.

Now, the Charter of Rights was mentioned two or three times today in my hearing. Some people think it's the most marvelous piece of legislation that was ever produced, and still I have an objection to it. The Charter and the Constitution make the Supreme Court superior over the elected representatives. Now, we elect representatives. We don't elect the judges, and I don't propose that we should. But I find it quite intolerable that the Supreme Court can override the legislation, the work of the legislators that we elect. I suggest, therefore, that the Senate should have the power to review every decision of the Supreme Court, not necessarily that they're going to do anything about it, so that essential legislation does not become inoperative and so that the government is not rendered helpless to pursue a policy.

Recently the Supreme Court threw out the abortion law. That's a case in point. Our federal government worked hard to produce an abortion law that they thought was suitable, but the Supreme Court said no and then even advised how we could have a law that would be suitable. Then the advertising of tobacco products, for instance, and alcoholic drinks: one of the courts has ruled that it infringes on our right to self-expression if we can't advertise tobacco products. The Supreme Court has also ruled that labour unions have the right not only to enforce the payment of dues but also to spend the money so collected on whatever the officers of the day please, including support of political parties. I think that's horrible. Someday some child is going to claim age discrimination when he's denied the vote or a driver's licence, and some older person is going to do the same thing.

Now, you will know that the Senate of the United States as well as the Senate of Australia has many of the powers that have already been named here, but as I remarked, I think the Supreme Court exercises an intolerable use, even an abuse of power. It has in many instances really made our laws; it's doing the making of our laws.

Now, I don't know how I'm doing for time, but I have one other point I would like to make; that is, I think that no government should resign because it lost a vote in the House of Commons. I think that denies the people of Canada the government they deserve, and I think it causes the individual members of the Commons to lose their sense of freedom to vote as they please or as they understand the issues.

Mr. Chairman, I could keep on going, but I thank you very much for the amount of time you've given me so far.

MR. CHAIRMAN: Thank you very much, Mr. Denney. You've previously given us extensive documentation which is all part of our material in addition to this additional document which you've given us today. Though I don't want to come to the defence of the Prime Minister too much, I think what he said is "Canada's enemies are my enemies," not the other way around, as you have it in your letter. I think, if I may say so, that he was referring to the separatists in Quebec when he said that. So to put in the proper context I just wanted to make that point.

MR. DENNEY: That isn't the way I got it.

MR. CHAIRMAN: That's the way I heard it. Now, maybe I'm mistaken. In any event, this is sometimes how things do get misunderstood. A police officer will tell you, if you have three people observing an accident, you get three different versions.

MR. DENNEY: Exactly.

MR. CHAIRMAN: Do others have any questions or comments? We have one more presenter to hear from this afternoon, and we are running an hour plus behind our original schedule.

Thank you for your considered opinion.

MR. DENNEY: Thank you very much.

MR. CHAIRMAN: Don Currie.

MR. DENNEY: My 90 years have made me a little wobbly.

MR. CHAIRMAN: Well, you've done very well.

MR. CURRIE: I'm only 56, and I can't come up to that I'm afraid.

MR. CHAIRMAN: That's not a bad age.

MR. CURRIE: It must be yours as well, is it?

MR. CHAIRMAN: You got it; that's right. Nineteen thirty-five was a good year.

MR. CURRIE: It certainly was.

Mr. Chairman and members of the committee, my name's Don Currie, and I'm with an organization known as the Alberta Chamber of Resources, which has represented private-sector resource interests in this province for 56 years. That's how I can remember my employer and my age at the same time.

The ACR has 170 corporations that belong to it. They represent the oil sands, heavy oil investment in our province, the coal mines in our province, any minerals activity that takes place – we're trying to promote some of that – the utility corporations that keep the lights on even after 5 o'clock, forest products industry – one member there – and the service and supply sector that supports those operations in the province.

I guess what I have to say is going to be very short and sweet and specific to one part of the subject under discussion and not broad speaking as you've heard in the other presentations this afternoon. Our membership has been frustrated for some time now with increasing jurisdictional regulatory overlap between provincial and federal governments. It's been a frustration of ours for some time, probably since the fall of 1988, when certain things changed, I think, in the relationship between the two governments. It's principally to do with environmental matters.

We as an industry association would suggest that the disentanglement, to use a very long word that may or not be in the dictionary, of their regulatory overlap with subsequent management control of things passed to Albertans should be your recommendation or your course of action in order to help solve some of the frustration that our members feel. I guess we base this suggestion on the observation that investment and development and resulting job creation differ from one geographic and geological area of the country to the other. Therefore it's difficult to be regulated expeditiously from a remote government several thousand miles away. So we think that the more local you can make the jurisdiction and the regulation, the more sensible it would be, the more understanding the local authorities would have of the situation, and the wiser the decisions would be.

I guess that's the end of the dissertation for now. I'd be pleased to discuss if you wish or we could adjourn, whichever you wish.

MR. CHAIRMAN: No questions or comments? Fred? Nancy?

MR. BRADLEY: Your representation is a point of view that perhaps hasn't been heard that strongly in terms of discussions we've had to date, but you represent a very large number of interested parties in the province. We've heard in terms of environmental jurisdiction that there should be national standards or that it should be turned over to the federal government. I take it that from your perspective and the groups that you represent, you very strongly feel that the provincial or local area should have the paramountcy in environmental matters.

MR. CURRIE: To draw something from earlier presenters, I think someone mentioned common sense. I think it makes common sense that if you're having to make jurisdictional calls on a piece of ground that's going to be put into production for whatever reason, the local authority should be the one that's most knowledgeable and closer to the corporations that are operating in that area. I guess that's where we're coming from.

MR. BRADLEY: One follow-up. The question of national standards has also been brought up in terms of environment. What's your view on that in terms of if there were to be national standards on environmental questions, should they be imposed by the federal level or should it be a joint federal/provincial consultation or by the provincial governments working co-operatively together to establish such standards?

4:52

MR. CURRIE: I think your second choice. I think there should be consultation and co-operation between the two governments, and I think – I'm not sure, and you might be able to help me with this – but in the fall of 1980 . . . Well, I can go to page 10 in your booklet here. In the green box on page 11 you've offered the solution to the problem. I'll just read it.

> One solution to questions about the distribution of responsibilities is to clarify the wording of the Constitution. For example, in 1982, the division of responsibilities was amended to clarify provincial jurisdiction over natural resources.

I think there was an agreement in place up until 1988 where the bureaucracies of the two governments worked hand in hand, and a mechanism was put in place where jurisdictional questions could be handled by one or the other depending on who had the right expertise. It worked well. Then, as you know, in 1988 I guess some things changed. What changed for us was Lucien Bouchard hit the scene, and there were agendas there other than co-operation. I may be wrong there, but that was certainly argued. I guess the water got muddied.

I can quote. On your page 9 in the first column about halfway down it says,

> The division of responsibilities has become blurred, and can result in competition and conflict between the federal and provincial governments. Conflict and competition are expensive.

They're not only expensive for governments, but they're very, very expensive for corporations. What we've seen is a ratcheting up, and only the most wealthy corporations can put in place a parallel bureaucracy to government bureaucracies to track what's going on. Those who are unable to do that aren't a player anymore; they're not an investor anymore. I think we'd like to see investment in Alberta and our standard of living continue in the manner in which it has. I would; I don't know about you guys, but I sure would.

MR. CHAIRMAN: I think what happened was a judgment of the federal court, which in effect negated the agreement which had been in place. [interjection] That's right.

Yes, Yolande.

MRS. GAGNON: I feel almost inadequate asking my question having had the former Minister of Energy here and so on.

MR. CHAIRMAN: Environment.

MRS. GAGNON: Environment; I'm sorry.

Anyway, do you see any place at all for a federal presence in the environmental issues of the day as regards natural resources?

MR. CURRIE: Yeah. Where there's water that runs from one province to the other, where there's air that blows from one province to the other, I think there are some things that we have to co-operate on. The key word is "co-operate." I think we've got to co-operate and do it in a cost-effective, expeditious manner, and I don't think that's happening at the moment. In fact, it isn't happening.

MRS. GAGNON: If ever there is a real dispute, who would have the final say?

MR. CURRIE: I don't think you could come to that. I think you'd have to work it out.

Are you talking about courts?

MRS. GAGNON: Well, say there's a company that wants to do something, and the issue can't be resolved. What kind of appeal would that company finally have? Where would they go to appeal?

MR. CURRIE: They would go to the local authority first, and if it was a matter where there were interjurisdictional things, where there was water running from one jurisdiction to another, then I guess the other jurisdiction would have to be brought into it.

Are you talking about going to the Supreme Court of Canada?

MRS. GAGNON: Well, you know, I'm just wondering what you see as the natural progression if there could not be agreement on a project of some sort.

MR. CURRIE: I think we've got to keep it out of the law courts; that's the first thing. You talk about expense for nothing. I think that's where we've got to keep it open. We've got to act like adults and solve our problems, corporations and governments, and try and do it outside the court system.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Yeah. Well, we could go into that issue at some length, because it has been terribly frustrating. An agreement was in place which worked perfectly for how many years – three years? – and settled I don't know how many, I forget the precise number of issues, without any recourse to the courts in Alberta at all. Then bingo. Anyway, that's clearly a matter for very real discussion in the future, and we appreciate your comments today.

MR. CURRIE: The bingo, of course, is that investors go elsewhere, and I don't think we want that to happen.

MR. CHAIRMAN: Thank you very much.

MR. CURRIE: I have a copy of the letter here. If you wish it, I'll leave it.

MR. CHAIRMAN: Yes, if you could. Garry Pocock, I'd appreciate your providing us with that information.

Thank you for coming and thank you for waiting. Because of your clarity and brevity we are able to adjourn on time. Thank you kindly.

On this note we shall adjourn now until 7 o'clock. We'd like to assemble sharp at 7. If we could be here a few moments early to make sure we greet our guests. We have this evening, as you see, two, four, five presenters, and I hope that we might be able to constrain the presentation somewhat so that we can conclude early enough since it has been a long day. In my case it was just 12 hours ago that I got up to catch a plane.

[The committee adjourned at 5 p.m.]

7:02 p.m. **Monday, September 9, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Colleagues, ladies and gentlemen, I'd like to commence once again with this evening's session, in which we are attempting to hear the balance of people who had not had an opportunity to give their views to us at the beginning of June.

For those of you who haven't been with us earlier, I'll just quickly introduce myself. I'm Jim Horsman. I'm the chairman of the committee and the MLA for Medicine Hat. On my left is . . .

MR. HAWKESWORTH: Bob Hawkesworth, Calgary-Mountain View.

MRS. GAGNON: Yolande Gagnon, Calgary-McKnight.

MR. CHIVERS: Barrie Chivers, Edmonton-Strathcona.

MS BETKOWSKI: Nancy Betkowski, Edmonton-Glenora.

MR. ANDERSON: Dennis Anderson, Calgary-Currie.

MR. BRADLEY: Fred Bradley, Pincher Creek-Crowsnest.

MR. CHAIRMAN: We'll be joined shortly by our colleague Jack Ady, from Cardston. In the meantime, I'd like to proceed and thank the presenters who are here this evening. Our agenda has been shortened slightly by reason of the fact that some of our originally scheduled presenters have withdrawn.

I call on John Pfriem.

MR. PFRIEM: Good evening. I'm John Pfriem. I'm a local of Edmonton, a lawyer in town here. I originally wrote a letter to this commission back when I got the circular, the small booklet. That was acknowledged, which was great, and I wanted to make some comments as well. They really expand slightly, I suppose, on what's in the letter and not much more, so I'll therefore be brief.

I want to speak, of course, to Alberta's position regarding the upcoming constitutional negotiations. I understand the sticking point is this matter of special status for the province of Quebec, that there's a lot of reluctance here in Alberta for any sort of constitutional wording that gives them any sort of distinct society status or special status, any sort of legal wording that shields Quebec from the effects of a common Constitution for all of Canada, I guess is sort of the way I see it. I understand from everything I've read that Albertans are almost uniformly opposed to that sort of an arrangement and Alberta's agreeing to any sort of arrangement like that when the matter comes up again. I just was reading this week's *Alberta Report*. There's a Yerxa poll here, and it finds that 92.3 percent of Albertans find it important that all provinces be regarded as fundamentally equal, which I guess is about as overwhelming as it gets in political matters.

Well, I'm here to take the contrary position on that. I think Alberta should agree to some sort of special status for Quebec, some sort of a distinct society, however the constitutional minds care to word that, and I expect they'll come up with something slightly new. However, I think Alberta should take a slightly different approach to the matter when it's decided as to whether or not we'll accept some sort of special status for Quebec. I think we should look at it differently. I think we should avoid this sort of abstract analysis that's dominated us so far, the sort of analysis that puts it in terms of: well, what kind of a country will we have if suddenly we set out one province apart from the others in terms of the Constitution?

I think we shouldn't, if I could use the expression, get hung up on that. I think instead we should take a different analysis of it and look more narrowly, perhaps dryly, perhaps coldly at Alberta's financial interest in a new Constitution and as a part of this new Constitution. To put it another way, perhaps more bluntly, I think we should put up with virtually any special status for the province of Quebec as long as it doesn't cost us anything; I mean in terms of actual financial cash flows out of this province. What that means is no regional development funds that we pay into, no preferential federal contracts that we have any claim to, no protective national tariffs for any goods that they make, and of course no special cut-rate resources that we produce.

I think it's important to remember that the wording "distinct society" or any other wording that we come up with is in and of itself merely words. What matters are the consequences that flow from these legal definitions we choose, and the consequences that we should focus on, that we should pay particular attention to are the financial consequences: what it actually costs Alberta to be part of this country in actual dollars and cents. Again I know it seems cold and dry, but I think we should analyze it now rather than find out later, as we did in the '80s, that the division of constitutional powers is resulting in the fact that we can't set our own energy prices or that we have to accept an energy price that's set by the federal government with the result of rather large subsidies, perhaps tens of billions of dollars worth, going down east, which I think was the conclusion of one academic analysis into the matter. I think if we analyze it in these terms now, we have perhaps a better chance of avoiding that kind of fate in the future.

The second point I have is more of a cultural, almost ethnic point regarding, I guess, the French and the English relationship in Canada. I'm told as a matter of history that this country was founded, at least in part, as a constitutional compromise or deal between the French in North America and what was left of the English loyalists on this continent. I think that's true, but I think more relevant to us today is that there's some pressure in this whole process to sort of renew or place these whole negotiations in that cast again, to sort of cast this whole problem as being another matter of setting up another deal between the French and the English. I think we should object to that in Alberta. I don't think we should buy into that analysis. I think Canada is a lot more than that today. I think that simply as a matter of demographics, people from all over Europe and all over the world now make up Canada. I think that for us to treat this constitutional negotiation as substantially another deal between the French and English in Canada just shouldn't be something that Alberta should have a part of. It brings a lot of baggage with it, and I think we should avoid that if we can.

That's all I have to say.

MR. CHAIRMAN: Thank you very much, John. There are a number of points you've raised.

Are there any questions or comments? Yes, Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. An interesting way to approach the overall situation, and while you indicated that we should be concerned primarily with economics and that you were agreeing to any special status, I guess you're really saying: not any status that has effect or that has any impact on the rest of us.

MR. PFRIEM: Well, there may be all kinds of impact that a special status for Quebec would have. There are all kinds of legal issues that it would deal with – for instance, the matter of their own administration of justice in their own province – that would have a lot of impact without having any financial impact. But, you know, I think the first thing we look at when we consider what sort of status they're going to have is going to be our financial interest in the matter.

MR. ANDERSON: I tried this question on earlier, but I'll ask you because of the approach you've taken. Do you feel that we as part of the many committees that are facing this question and are going to initiate aspects of this debate should be starting from here and now in terms of what's needed for the country into the future and defining a vehicle that will take Quebec and us and other interests, aboriginal interests and the rest of it, into the future, or should we be trying to resolve the past concerns first and deal with those issues which have been outstanding in the past?

MR. PFRIEM: Well, a bit of both. I sense from your first option that the option this committee should concern itself with is trying to come up with a position for all of Canada. That's not going to happen. I think this committee has to provide something that the government of this province can use in Alberta's interests in these upcoming negotiations.

7:12

MR. ANDERSON: Would it be fair to say that you feel we should take a firm position that is in the interests of Alberta and leave the end result to what those negotiations bring as opposed to trying to find the overall solution?

MR. PFRIEM: Well, how can I say that I wouldn't want an Alberta committee to come up with an overall solution? That would be great, but I think that more realistically and at least at the outset Alberta's interests should be represented first and foremost. There is a federal government. I'm sure they've got reams of people whose interest is explicitly that of a federation, and that's their job.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Barrie Chivers.

MR. CHIVERS: It's very interesting hearing your submission, John. This afternoon we heard from Mike Nickel and Scott Day, and they have a somewhat similar analysis, although they didn't express it quite as directly as you did. So it was very interesting hearing your submission following theirs. I'd just like you to address an issue that I put to them with respect to the application and operation of the notwithstanding clause. That is one of the issues of equity that I suspect many of the people that fall within that 92.3 percent figure that you quoted earlier would feel very strongly on. I'm just wondering if many of those people would be opposed to a notwithstanding clause. I'm just wondering what your view is as to the efficacy of a notwithstanding clause.

MR. PFRIEM: Well, I understand from this that the purpose of a distinct society clause is that it renders the notwithstanding provisions useless or unnecessary, that it basically gives them another constitutional out if they want it. They can point to a piece of legislation and say: "We're distinct. That doesn't apply to us," or the courts can, and off they go. So I guess it's part of the same thing. I don't have any difficulty with them using the notwithstanding provisions for the same reason that I don't have any difficulty with them setting themselves up as a distinct society or whatever.

MR. CHAIRMAN: Well, that's an interesting point of view, and how one reconciles the terminology "distinct society" is extremely important. We have had, of course, many submissions which say that distinct society means special status and therefore Quebec should not have a special status. But you've put it more in the terms that it's all right as long as it doesn't cost us anything extra as Albertans. Is that a fair way of putting it?

MR. PFRIEM: That's fair.

MR. CHAIRMAN: You weren't talking to my constituent I spoke to yesterday on that subject?

MR. PFRIEM: No. I haven't been down south in a while.

MR. CHAIRMAN: No, I'm sure you weren't. I just mentioned it earlier in the day: a constituent of mine had told me just that.

Are there any further questions or comments? Yes, Yolande.

MRS. GAGNON: Just an expansion on your thesis, I guess. You state that we should put up with special status as long as it is in the financial interests of Albertans. Could you define what those financial interests are, and could you be more specific?

MR. PFRIEM: Net outflow of provincial wealth. Input versus output: what membership in the Confederation or federation costs us versus, I suppose, what we get back.

MRS. GAGNON: And maybe factoring in what it would cost us if the country broke apart?

MR. PFRIEM: Sure, if that's possible. That's important. There's a cost there too, I expect. That would have to be taken into consideration also, but that's the analysis we should apply.

MRS. GAGNON: So the financial thing is the bottom line as far as you're concerned?

MR. PFRIEM: Yes. I didn't want to say that, but there you go.

MRS. GAGNON: But I did.

Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thanks. This is intriguing. I want to make sure I understand the nuances that you're making here. We have all kinds of transfer payments in this country as a way of dealing with regional disparities. I guess it's been a long-standing feature of Canadian society. Can I take from your submission that you're not advocating getting rid of that as long as it's evenhanded in its application across the country but that there be no specially directed extra costs to support whatever this special status for Quebec entails? If it's for language or culture or education, that's fine, but there wouldn't be any particular extra support for that to maintain that status.

MR. PFRIEM: Right.

MR. HAWKESWORTH: And then if there are going to be regional development programs or transfer payments or established programs financing, that is dealt with across the country on an equal basis and Quebec is not singled out for special treatment?

MR. PFRIEM: Right. Yes.

MR. HAWKESWORTH: Okay. Good. It's very interesting. Thank you.

MR. CHAIRMAN: Well, thank you very much, John, for your brevity and your succinctness.

MR. PFRIEM: Right. Well, thank you for your time and attention. Good night.

MR. CHAIRMAN: Thank you.

Dr. Ian Reid. I welcome a former colleague of ours from the Alberta Legislature. We haven't seen too many of your ilk at this table, but we're pleased to have you here.

DR. REID: That's to my surprise, I might say, Mr. Chairman.

First of all, Mr. Chairman, I'd like to put myself in context of this for those who do not know me. Those of you who do, and in particular Mr. Anderson and Mr. Bradley, who traveled Canada with me 10 years ago, will remember discussions like this from literally Whitehorse in Yukon to St. John's, Newfoundland.

I think I'm fortunate in a way in that my relationship to Canada and to Alberta was very much by choice. For most people it's an accident that they live in Canada or an accident that they live in Alberta. I looked at all the information I could get on New Zealand, Australia, South Africa, and the United States before I decided I was going to come to Canada, and I looked at all the information I could get about this country before I came here. I came by boat and across the country by train and got off at the CN station in downtown Edmonton. That was my immigration process. It did bring to my attention the size of Canada and how different it was from one region to another when I was looking for a place where I could comfortably, I hoped, bring up my family, which we did, and I've never regretted the decision to come to Canada and in particular to come to Alberta. It's done very well by me and by my family, and I think I've contributed a bit to the province on and off.

Having said that, one has to look at this country as being unique on the planet. Russia is twice the size of Canada and has a population of 280 million. The United States is about the same size and has a population 10 times ours. Australia is about the same size and has a population about two-thirds of ours. But we are the only country that is distributed linearly on a population basis. If you choose to stand in the national monument at Signal Hill in St. John's Harbour mouth, you are closer to Murmansk in Russia than you are to the northwest corner of Yukon. Indeed, you are closer to Warsaw than you are to the Alaskan border. It can be put in other terminology: that this country has got the most spread out population of any on Earth. If you take 26 million people and spread them over 5,600 miles, you cannot have a single society. That has always been accepted in relation to what I regard as an insulting term, French Canada and English Canada, and not just because of my accent.

This is not the melting pot of the United States. This country has always reveled in its cultural differences, the fact that people come to Canada, become Canadians, but if they choose they can continue to have their cultural and ethnic roots. In the United States that has not been the same. The result has been that Canada has developed 10 very different societies across the country. If you've traveled it as much as I have, you realize how different Prince Edward Island is from Newfoundland or Nova Scotia or New Brunswick. It is just as different from those provinces as Saskatchewan is from Quebec. These are not two entities within this country. There are 10, and there will be more out of the Northwest Territories and Yukon eventually, and we have to recognize that fact in dealing with our constitutional difficulties. In the past we have not.

7:22

Canada has two predominant languages, but if one looks at the concept of bilingualism in Canada, it is not just French and English. If you go to the northern part of the Northwest Territories, it's Inuktitut. If you go to Yukon, it may be a Slave language. Indeed, there are places in Canada where Gaelic is the second language. So it is not just a matter of two languages. It must be insulting to those people in northern Canada to have bilingualism of French and English imposed upon a society where the predominant majority of the residents speak neither as their native language. That's an indictment of our country.

The 10 – and I hate to use the word – distinct societies, and there are two to the north of us that are not yet provinces, have developed as they have because of their different histories, because of the pattern of immigration, whether it was to the east and then a migration west or whether it was straight into the west, and they have contributed by that. In fact, it's become one of the delights of Canada. We almost revel in the differences between the provinces, because we find it an advantage to living in the country except when we talk about the Constitution and about the jurisdictions and about the distribution of powers. Then it becomes a problem.

I feel that the exercise of 10 years ago when the Constitution was patriated and the amendments were made and the Charter of Rights was brought in was a divisive process from which the country has not yet recovered, and every attempt at it since then has been equally or more divisive than the predecessor. Four years ago when the Meech Lake accord was drawn up, it was done relatively quietly, because nobody noticed when it was done. I'm speaking about the general population. But following that and when people realized what was in it, there was a sense of outrage amongst the average Canadian resident. Regardless of what we think of what was in the Meech Lake accord, whether we approve of it or disapprove of it, the average Canadian had this sense of outrage that they had not been involved.

It's the development of committees like this and other commissions that have crossed the country that is supposed to give people like myself the chance to be involved and to have input. But there is a limit to that process. Whether it is the Spicer commission, whether it's this select committee of the Legislature here, whether it's Joe Clark running back and forward across the country, at some stage the process of input has to come to a stop. That process will not be solved by having a constituent assembly of several hundred people trying to come to a bunch of compromises.

There are certain basic principles that have made Canada the country that I came to by choice. I think that every Canadian is entitled to equal opportunity and treatment. I think the provinces are equal regardless of their present or future or past populations or their histories. There is no doubt about it that the rule of law as it applies in Canada has been and should continue to be innocent until proven guilty, that one person have one vote. These are obvious things. They didn't need to be written into the Charter of Rights 10 years ago. We knew that they were true as principles. Now, the application of those principles was certainly not always perfect, and it never will be, but at least we knew what the basic principles behind the country were, and they haven't changed.

I think we mostly believe in parliamentary representative democracy as opposed to the republican system of checks and balances and so many percent can outvote this decision and all the rest of it that you see in France or in the United States where they've attempted to write everything down. The unwritten Constitution was, after all, what brought Mr. Trudeau's proposals into problem: not the legality of it but the unwritten Constitution. I think we should keep that concept in this country.

Having said the obvious, it's now a matter of looking at more practical problems. When I came to Canada, I got off the *Empress of France* in Quebec City and went up to the Château Frontenac and had my first drink of Scotch in this country. I hired the taxicab in French. I was still reasonably fluent in that language. It never struck me to speak to a cabbie in Quebec City in English. Maybe it should have, but it didn't. I went through immigration and customs in Montreal in French and got onto the *Super Continental*. That didn't bother me a bit, and it still doesn't. From that standpoint, yes, Quebec is very different because of language and history.

On the other hand, I find it disquieting that the federal government appears to be taking the approach that the main problem with this country is dealing with the issue of Quebec. It is not. If we deal solely with the Quebec issue at the moment, we will continue on this ridiculous roller coaster. We cannot in this country continue to have constitutional review on an ongoing process. The country cannot take it. Every time it is done, all of the old problems, the perceived and real inequalities and injustices, are all brought to the surface again, and the general population becomes fed up not with governments but with politicians and with the concept of parliamentary democracy as it has existed. And it has treated this country relatively well.

We have to do more than just deal with the province of Quebec. I think we have to recognize that it may be not possible to deal with the Quebec issue. Indeed, the country may not survive in its present state. I think that has to be recognized. It'll be unfortunate if that's the case, but it may be true.

We also have to realize that in constitutional discussions the federal government is supposed to look after the federation. But after all, what is the federal government? It is the government that is supposed to do certain things within its jurisdiction that are not and cannot be done or should not be done by the 10 provinces and the two territories individually. On the other hand, the federal government should not be doing those things which are best handled in the vastly different societies in the 10 provinces – health, education, social programs – within certain standards that may be set by consent on a countrywide basis. The federal government should not get involved in those processes other than to make sure that the funding is there to provide whatever is regarded as the minimum in those provinces that cannot economically support it themselves. On the other hand, I think it's a given that the federal government is responsible for defence, for international diplomacy, and matters such as that where again the provinces cannot act by themselves.

We then get to some very sticky issues like the administration of justice, environment, and such issues where there obviously have to be some national standards but they cannot be applied across a country the size of Canada by a central government so there has to be a shared jurisdiction. The sharing will be a problem and will be a bone of contention, but those things have to be done in one process. We cannot do it like the attempt to handle the native issue after the first review in the 1980-81-82 period, to then attempt to deal with the native issue. We should try and do as much as possible and then put the whole matter on the shelf for 20 or 25 years and leave it to another generation of Canadians to do the next round. Many of us have talked ourselves hoarse on this subject: in my case, as I said, from Whitehorse to St. John's.

I'd like to also address the results of the Meech Lake fiasco, as it is called, and the discord that has followed it. I have been away from the political arena for two years. I have spoken to many people as patients, and they're a cross section of society. There is in this country now a complete distrust of elected representatives. It is not a distrust of governments; it's a distrust of elected representatives. It's right across the board. If there is going to be a successful approach to this round of constitutional negotiations and discussion, it is going to have to be done by new faces at the 11 seats around the table. Those who have taken part, whether it is Clyde Wells, whether it is Gary Filmon, whether it is Don Getty, or whether it is Brian Mulroney, they are not trusted by the general population, because they saw the process, felt it was defective, and do not trust it anymore. If it is going to be done, and after all it has to be done eventually by the 11 government leaders, it will have to be done by new faces, or the general population will once more feel very unhappy with it. What we need is 11 people of principle, new people, to take this issue and to deal with it.

Thank you.

7:32

MR. CHAIRMAN: You didn't mention Robert Bourassa in your list of names.

DR. REID: I didn't want to go through the litany of all 11 and the others who have been replaced in the meantime. All those who have taken part in it over the three-year period between the agreement at Meech Lake and the dissolution of the agreement in Ottawa last year.

MR. CHAIRMAN: So what are you proposing that we do? Put it on the shelf until there are 11 new first ministers?

DR. REID: I think if there's going to be a successful outcome, that may be the answer. This is not something that should be rushed into because one Premier has chosen to set a deadline.

MR. CHAIRMAN: Well, that's the point.

DR. REID: I'm so sorry. I presumed you would understand that was what I was saying.

MR. CHAIRMAN: You're not far . . . Well, that's not necessarily true. Of the participants in Meech Lake I think there are only four, and of the ones who were at the subsequent thing a year ago, in June of 1990, there are only six, so things are changing. We shall see what happens.

Okay. You're not suggesting a constituent assembly, however.

DR. REID: No. I think if you look at the history of the American attempt at that when they wrote their Constitution and you read the reports of that process and you now consider a much more literate and educated body politic, all that will happen with a constituent assembly is you'll have 200 or 300 opinions, or whatever it may be, all trying to have their case made. I think it eventually will come to the stage that the 11 first ministers, with representatives from the Northwest Territories and Yukon, will eventually have to meet and we'll have to draw up the proposals that will be put to the 11 parliaments. Now, that process is inevitably going to be the end point because that's what our current Constitution says it will be, and we cannot change that Constitution without having the meeting.

MR. CHAIRMAN: Okay. I'm sure you've excited some comment or questions. Anyone?
Yes, Barrie.

MR. CHIVERS: Dr. Reid, I just wanted to be a bit clearer as to whether you think it is possible to defer the process. I know you made the comment about postponing it for 25 years in response to Mr. Horsman's position with respect to new faces at the first ministers' table, but how realistic is a deferral of the process at this point in time in your opinion?

DR. REID: What I am really unhappy about is trying to work against a deadline on something as important as our Constitution.

MR. CHIVERS: I share your concerns.

DR. REID: Mr. Bourassa has put a deadline on the table; that is one of 11.

Now, I said also that we may have to accept that Quebec is going to leave. I happen to – and I expressed it fairly firmly – not believe in the entity of "English Canada." It won't work either as a single entity. We have to have the representation of regional interests. If you look at the vastly different history of Prince Edward Island and New Brunswick, for example, you can't have one government for those two provinces. Somebody is going to be extremely unhappy and is going to feel dominated by somebody else. The difficulty is that if you try to deal with all of these very complex issues and try to do it within a deadline that is set by the agenda of one province on essentially a very distinctive group of demands – whether there are five or seven or nine or 11 is irrelevant – that is not an agenda that is the total agenda. If you take those five, seven, 11 items and they become the agenda, there are going to be an awful lot of equally important matters left on the shelf to continue to be divisive and eventually, I'm quite convinced, break up the country.

This is no longer an uneducated body politic, and people now are in the habit of expressing themselves, some more forcefully than others, because they really believe that they know what they want out of Canada and what the country should be. Everybody is going to have to make some compromises but not on the basic principles. Mr. Bourassa's approach of throwing the gauntlet down on the table must not be allowed to rush the rest of the country into a process and into results that it may well regret within another few years.

MR. CHIVERS: Can I put the question a different way then: how can we extend the deadline?

DR. REID: I think by mutual consent of the other governments.

MR. CHIVERS: Leaving Quebec out of the equation?

DR. REID: Well, they may not stay out of the equation. They have previously made noises like that. If you look at the history of constitutional discussion, it has not always been Quebec that has walked away from agreement or has been the odd man out. It has been the predominant one to do that but not the only one.

MR. CHIVERS: So you think that those time frames may not be quite as fixed and certain as they have been declared to be.

DR. REID: I don't think we should allow them to become as fixed as they are. That's the point I'm trying to make. You cannot possibly do all of this and take it through the process. In actual fact, you can't take it through the approval process in the time limits that have been set by Quebec. It has to be approved, not just negotiated.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Well, you've stimulated my thinking.
Oh, Dennis. I'm sorry.

MR. ANDERSON: Go ahead, if you're stimulated.

MR. CHAIRMAN: Urging us into playing a game of constitutional chicken, in a sense: that's interesting and challenging, if that is what you're contemplating.
Now do you want to say something?

MR. ANDERSON: Thanks, Mr. Chairman. Dr. Reid is as provocative and interesting as he was many years ago when we traveled the country together in that former day.

The one statement that you made, Ian, that I just want to explore is that all politicians, not just government members – I believe I'm quoting you right – are not trusted today. Now, if that's a fact, what good does it do changing the leaders at the table? Are you talking about changing our whole form of democracy, and therefore the faith of the public in our whole system, rather than just the four or five leaders who might remain, when you say that all politicians are not trusted?

DR. REID: What I was pointing out was that it is not limited only to governments and political leaders. I think the reality is that we are going to see a greater rollover among elected people in this country over the next 10 years than we saw in the previous 10. Now, that doesn't necessarily mean there will be a rollover of which party is the governing party in any given jurisdiction, but I think there will be a large rollover and change. The body politic in general are at the moment disenchanted and untrusting. It wasn't helped by some of the remarks of the Prime Minister. I'll lay a lot of it at his door. One does not roll dice or manipulate 10 other government leaders and then admit to doing it, which is even worse. One shouldn't do it in the first place. There has to be some honesty at the table. It is very difficult to see how a federal Prime Minister who did it and said it can be regarded as trustworthy by the body politic. Now, if you're going to say that one should go, I think you have to wait until all are gone.

7:42

MR. ANDERSON: So do you believe, then – let me put it this way – that it isn't our system that's caused the problem but it's individual personalities?

DR. REID: I think we have suffered since 1968 in this country from the fact that almost entirely throughout that time, with two very brief intervals, the Prime Minister has been a labour lawyer from Quebec. Now, one of them admittedly represented management and one represented unions, but within the labour negotiation system – and I will not look across in that corner – there is what some people have described as an intrinsic dishonesty. I don't think that's altogether fair, but the advocacy principle of our judicial system and our courts is sometimes carried to extremes knowing that there will be very considerable compromises from the original position put on the table.

Pierre Trudeau and Brian Mulroney, of different political parties, really come from a quite similar background as far as law and training and experience are concerned, from the two sides of the fence, but they had become used to acting not from basic principle but from compromise to achieve a settlement. I don't think that's the way to build a country. I don't think it's the way to write a constitution. There should be basic principles that you will not back off from. The equality of opportunity, the equality of treatment: never compromise on that. The equality of provinces: don't compromise on that.

Albertans are insistent that the Senate be elected, effective, and equal. That's not two and a half Es, as has been described; that is three Es. If you cannot achieve an equal Senate along with elected and effective, better no Senate. Do away with it and institutionalize the federal/provincial meetings as they have existed for many years now and use that as the system, providing that all provinces are regarded as equal. Use that as a system to ensure that there is fair and equal treatment across the country. That would be much better than an unequal Senate. In other words, I would say that you go for the three Es or do away with the Senate, but don't compromise on a two and a half E Senate. Now, that's the proposal that's already coming out of Ottawa, and I detect the old "Negotiate this; we'll give you that if you give us this" business. There are some matters that are beyond compromise, but I think we've had two Prime Ministers who don't agree with that.

MR. ANDERSON: So in short the answer to my question was that you feel those two personalities in particular but personalities generally have caused the difficulty, with the exception of the Senate being a change we should make to our system?

DR. REID: Well, I think because Prime Ministers tend to be the preeminent television personalities in this process, they have been able to badly affect the regard Canadians have for our system of government.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Well, thank you, Ian. It's always delightful to hear you. As you might gather, there are words I would like to engage in with you, but time being what it is, suffice to say that I detect a strong hint of a John Calvin principle in your comments.

MS BETKOWSKI: Sounds like an old debate.

DR. REID: Presbyterian background, Mr. Chairman.

MR. CHAIRMAN: It is an old and personal background there, I think. Thank you very much, Ian.

MR. CHAIRMAN: Pam Cholak.

MISS CHOLAK: Good evening.

MR. CHAIRMAN: Good evening, Pam.

MISS CHOLAK: I guess I'm going to start off by saying my name is Pam Cholak and I'm the president of the Progressive Conservative Youth of Alberta. I come before you tonight speaking on behalf of the association. I bring the views of youth; they aren't my own personal comments necessarily.

I'd like to begin with: what is Canada, who is a Canadian, and how can I make a difference? I come before this special select committee today as a representative of the Progressive Conservative Youth of Alberta. It is my intent to provide you with some insight into views for Canada shared by some of the youth in this province. The youth within our political party are a strong and diverse group, and we share in the concern for the future of Canada, our future.

When we talk about Canada, we speak of regions, languages, and cultures. We speak first as descendants of our ethnic ancestors; we seem to speak last as Canadians. We seem to speak first as Albertans and lastly as Canadians. We lack an identity other than hockey, and we lack a Canadian public who are proud of their Canadian heritage. We must not only educate our young people about the history of our country; we must also teach them to appreciate the importance of our Canadian heritage. We must accept that we are Canadians first and Albertans within that Canada. We must educate ourselves about other regions and the people within those regions if we are to gain an appreciation and understanding of Canadian culture. We cannot afford to lose the experiences granted to our youth through regional exchanges. Encouraging youth from across Canada to visit Alberta while also providing Alberta youth with the opportunity to travel to other regions within the country will bridge communication, tolerance, and understanding, the things we seem to have failed at.

Canada is a composition of diversity. We come from different geographic regions and ethnic backgrounds which shape our living experiences and our views, but the youth believe that we too frequently identify ourselves as Ukrainians, Francophones, Germans, et cetera. These are the people that comprise Canada, but as Canadians we have become unidentifiable. The youth believe that we must begin to be proud, loyal, and united in our fight for a united Canada.

The Progressive Conservative Youth of Alberta stand behind a united Canada, a country that is whole and includes the province of Quebec. Quebec must be recognized for its distinctness, but that should not equate the rest of Canada as being simply ordinary. The youth message is that all Canadians should be treated as equal Canadians and Quebec deserves no special treatment due to cultural concerns. Each province is distinct and should reflect that difference but not be given any special treatment because of cultural identity. Yet we believe that we must not get caught in the semantics of distinctness; we must deal with the underlying issues.

Albertans must be educated on the issues, views, and needs of our native communities. Alberta has an opportunity to help address the issues of concern to aboriginal nations, and we must continue to seize those opportunities.

Fairness is a triple E Senate, and fairness in the youth view is granting greater governmental control to the provincial governments on some issues. The youth would like to see a comprehensive environmental law for all of Canada, formulated with provincial involvement setting environmental standards. The provinces would retain the ability to develop corresponding environmental programs and laws as they deem necessary. The youth also propose that interprovincial trade laws and cultural areas be within provincial jurisdiction. Fairness and effectiveness amount to responsibility.

The PC Youth are pleased with the progress made towards avoiding a long-term debt or deficit situation in Alberta. We are fortunate not to have a short-sighted government such as Ontario's that sacrifices future ramifications in the interest of popularity in today's polls. We must be making realistic decisions with an eye to a longer term vision. Our political, economic, and youth leaders must work for the benefit of the whole of Canada. Provinces must make decisions that directly impact on the residents of that province, but the effects of economic planning, for example, are not felt in isolation. We must ensure that there is responsibility and accountability at all levels of government.

Municipally, provincially, and federally, governments must practise the principle of balanced budgets. Constitutional matters are not isolated from economic realities. We cannot afford universality, and we cannot afford inefficiency. We must pursue new avenues in the global marketplace, and Canadian business must seize the opportunities to compete globally. Labour and management must be encouraged to work through means of co-operation, and we must ensure that Canadian products can be easily bought and sold through domestic routes, as they are on the international markets.

7:52

The PC Youth in Alberta support the inclusion and enhancement of a civics course in our primary and secondary education system. The PC Youth believe that the level of student loan allotments should be increased to keep pace with inflation but that the number of defaulted student loans should be decreased by increasing penalties to defaulters.

As young Canadians we want to be part of the decision-making process like this forum provides. The youth believe that our political institutions are not as well understood or as well respected as they should be. As Canadians our perspectives should be global and our actions proactive. Narrow and reactionary philosophies create fear and lead to failure. The events in Germany and the Soviet Union seem to serve as examples.

We must continue to pursue excellence in our education system. We must continue in pursuit of economic diversification, and we must preserve our Canadian heritage through education and understanding. We must inspire efficiency without sacrificing quality. We must learn to do more with less, and we must all take on a responsibility individually to make things happen rather than complain after they've happened.

Alberta must continue to take the lead in working for compromise with the other provinces. Albertans should not be placed at ransom because of the demands of the remaining provinces, but we must all start listening to be heard.

A Canadian identity cannot be legislated, but until there is consensus on a Canadian identity, a constitutional agreement will be too difficult to reach. Alberta PC Youth want to see the Alberta of the future with a strong economy, a quality education system, and a place in a united Canada.

Thank you for the opportunity to be here this evening.

MR. CHAIRMAN: Thank you very much, Pam. A number of us around the table are well acquainted with you and your views and your organization, but as you know, this is not a party committee but one composed of representatives of all political parties in the Legislature. If there are any questions, I'm sure you'd be pleased to try and respond.

Mrs. Gagnon.

MRS. GAGNON: The fact that student loan amounts should be increased is something I've advocated for a long time. How would you penalize defaulters in a greater way: an actual requirement that they be tried through the courts or just that they have to pay over and above the amount they had borrowed? What kind of penalty would you impose on a defaulter?

MISS CHOLAK: I can only speak to that on my personal opinion, because what I've told you here is what – I can give you an answer based on some of the opinions we've heard. I think the idea behind that is to try and increase the incentive to pay off those loans. When you have a 10-year period to pay off a loan or six months before you can get a job and things like that, it seems there isn't the incentive to immediately pay it off at higher interest rates, those kinds of things. I'm not sure if going to the court system is necessarily the answer, because then we're starting to get into a bogged system there. I think we're maybe creating more difficulties than we're solving.

I'm not sure how to answer that question in terms of the organization. My own views are that we can try and decrease the amount of time allotted to pay off a loan or increase the interest rate after a certain time so there's some greater incentive for those people who are defaulting.

MRS. GAGNON: As you know, the federal government has imposed a 3 percent surcharge in order to pay off the deficit caused by the defaulters.

MISS CHOLAK: We agree with that.

MRS. GAGNON: Anyway, I want to go to something else. You say one of your points is no more universal programs.

MISS CHOLAK: Not exactly.

MRS. GAGNON: What would you suggest be the way of arriving at a fair system there? Means testing? How would we determine who should get assistance and who shouldn't in things like old age pensions or whatever?

MISS CHOLAK: Well, I think you can take the federal government again in the format they've implemented, and again I'm going to speak on some of the opinions we've heard. Maybe I should give you the background as to how we arrived at this. It was during policy sessions with our youth through the province. That didn't include all our youth. So that's how we've gotten to where we are here.

Based on what we've heard is, for example, the federal government and their family allowance. The system they've developed is to tax back at a certain income. I think it's at a point where there are seniors – as, for example, you've brought up – that don't need their pension that way, and we can use those funds in a different manner. I think also what we're advocating is that there's a certain individual responsibility that we have to do more with less, that we can't afford all these programs anymore. I guess in the same tone we're not prepared to keep paying for it. If we're working, we have an individual responsibility to put away a certain amount of money at that point to start to take responsibility ourselves for investment in future living. Now, there are certain people who aren't going to be able to do that, and we recognize that fact. So means testing perhaps is a way or an income level based on inflation rates, things like that. I'm not sure exactly how you would want to do it, but I use the family allowance as an example.

MS BETKOWSKI: I'd like to pick up on the same question and ask if you're concerned about not affording universality extending to basic health care.

MISS CHOLAK: To some extent. I think there's been a lot of discussion amongst our group about again putting some responsibility into the system as far as user fees, not large user fees and not to the extent where it's going to disqualify people from getting adequate health care and the quality health care we're used to but to put some form of responsibility and check on what's happening.

MS BETKOWSKI: So should we give up on trying to make our universal system affordable, which is another way of going at the same issue but from a different point of view?

MISS CHOLAK: Well, I guess I come back to the point of efficiency in the system. I don't think it's necessarily saying that we don't need to make our system affordable. I think what we're trying to say is: make the system work the best way it's able to, with future considerations of who's going to keep paying for it. I don't know if that answers your question or not.

MR. CHAIRMAN: Well, thank you very much, Pam, for your involvement this evening.

Sorry, Bob. Did you have a question?

MR. HAWKESWORTH: I have a very, very brief one. I take it you're reading from a presentation. Is there any chance you could leave a copy so it could be distributed?

MISS CHOLAK: Sure. I've done it in speech form, so if I can get it to you . . .

MR. CHAIRMAN: Yes, whatever form, please. If you'd be good enough to give a copy to our secretary, he'll circulate it, not just to members here tonight because other members of our panel who are not here will also want to receive copies. Thank you.

Well, just one quick question. Does your youth organization – and I've had some contact with them obviously – feel that the British parliamentary system now in place in Canada is a satisfactory way of dealing with the future needs of your generation?

MISS CHOLAK: Boy, that's a loaded question. Do I have a time limit on that one? In short, no.

MR. CHAIRMAN: What do you want to have in its place?

MISS CHOLAK: Here we go. Quite honestly, I can't speak to what to replace it with from the organization's point of view, because I don't think we've adequately addressed it in terms of coming up with a proposal for you. But I can tell you that I think the concerns relate to having greater input from the nonpoliticians or the nonelected people, a greater number of free votes, for example, in the House of Commons, and less party discipline on moral issues, ethical issues, and those kinds of things so politicians and elected members are going back to their constituents and actually getting those views. That seems to be a key thing.

MR. CHAIRMAN: That doesn't necessarily mean removing the parliamentary system and replacing it with a republican system, let us say, but rather reforming the system to make it more accountable. Is that correct?

8:02

MISS CHOLAK: Uh huh. Right.

MR. CHAIRMAN: Okay. Thank you very much.

MISS CHOLAK: You're welcome. Thank you.

MR. CHAIRMAN: Thank you.

Gerald Maloney.

MR. MALONEY: Good evening.

MR. CHAIRMAN: We welcome you just slightly ahead of the time you were originally timetabled.

MR. MALONEY: That's all right. Maybe we'll find out if Canada's winning in the hockey game.

By way of identifying myself, I don't have any special title, such as the PC youth association. I'm not an ex-minister of the Crown for the province of Alberta, although I can understand why I originally supported him when I lived in Edson. To say who I am, I ran for the Reform Party in the last federal election, but I am not here as a representative of them. I'm here as a representative of the people I've talked to and to convey some ideas about honesty.

Two weeks ago, according to what I believe, I was fortunate enough to be unemployed, thanks to the various levels of government in this country. Now, maybe to say I was unemployed – I was between jobs. I worked for a multinational oil company; now I'm with a private oil company. They gave me the opportunity to sit there and watch the First Ministers' Conference. Now, there was only one first minister there, by the way. There were three types of first ministers there. They were the ones that had recently won elections and were able to speak their minds and what they really believed in. Then there were the others that are halfway between terms and were talking about what's going to happen in the next couple of years. Then we had the third type, our neighbouring province, who is fighting for his political life and didn't say any of the things that he supposedly said a year ago at Meech Lake, statements which I find almost treasonous to people of western Canada, such as if a triple E Senate is the holdup on Meech Lake, let's do away with the Senate. What a ludicrous idea.

Fortunately, after that time the drums sounded, and then we had a first minister who truly represented what I believe most of the people in this country, at least in English-speaking Canada – not English Canada – are saying: the concept of two founding nations, English and French, is a total distortion of the history of this country. There is one founding nation. They were here thousands of years before us, and the way they have been treated is an insult.

I lived in Williams Lake. I saw the schools, and one of the biggest jokes in that town was how when one of the subchiefs won part of the Irish sweepstakes, the Catholic Church talked him out of it or else he'd go to hell. That was a joke around town. This is the way the first people of this country are treated.

If we go five blocks away from here – when I drive to my new job at 7 o'clock in the morning, I see young native ladies, girls, prostituting themselves. They don't have to fit into our society. We can beat them, we can rape them, we can take it away from them, but it's all right. If you came from another country six weeks ago or six months ago and got off the boat, we have to go with your culture, but we can't go with theirs.

Honesty in politics seems to be a joke. There is party politics. If one of you makes a mistake, everyone closes ranks around that person. If that person lies, if that person steals, well, that's all right; we'll close ranks around him because it tarnishes our party. I have disassociated myself from friends who have had more honour than some of the things I've seen displayed by politicians. So when Mr. Reid said that maybe all those men, those 11 affluent white men who were going to decide behind closed doors what was going to happen to the country . . . And my four-year-old son's future will be a third-class citizen because he doesn't live in Ontario, he doesn't live in Quebec, but he lives in western Canada. If he chooses to be that, he'll be a third-class citizen. There has to be some honour amongst the people who are representing us. To find that the only thing they care about is getting re-elected or their own political well-being is abysmal. That is not how we draw a Constitution and make this country equal and make it fair.

Number one, we must address the concerns of our native people. They have to have top priority. Number two, there must be equality across this country pertaining to the people. There are not first- or second- or third-class citizens. There are no inside rights and outside rights, as was so aptly put by a minister in Quebec. The people of Canada who disagree with the Prime Minister and his ministers are not nincompoops. They're just concerned citizens, and they aren't nincompoops, as he calls them. The political wind that blows a politician one way or the other to me is ridiculous. When the province of Manitoba decided they were not going to enact and translate all their laws into French as quickly as some people said, the past leader of the NDP made a big stand about it: oh, that's disgusting. But when Quebec enacts sign legislation that discriminates against a population: oops, I can't talk about that; that's a provincial matter.

The constitutional hearings in this country, the Spicer, the whole group, are ludicrous because no one is going to listen. As one of the ministers at Whistler said, it's like talking to the deaf. I really wish and hope, as do other people, that this time you will listen and not play party politics. We're talking about the future of a lot more than just ourselves and five or 10 years down the road. A year ago they almost solidified something that was binding forever. We couldn't change it if we tried, and that's scary. Forever's a long time. It's long after you're gone, and it's a long time after I'm gone.

Thank you.

MR. CHAIRMAN: Any questions or comments?

Well, Mr. Maloney, you have given us something that we've heard as politicians, obviously, and I'm sorry you feel there's no honour at all amongst us. That's a view shared by a number of Canadians, and it's regrettable that that is the case in the minds of some people. But we are here, we believe, to listen to some constructive suggestions about how to deal with the future. If you have any specifics that you would like to give us, I'd be happy to hear you in the time remaining.

MR. CHIVERS: Mr. Chairman, I do have a question for Mr. Maloney.

MR. CHAIRMAN: Yes.

MR. CHIVERS: I'm wondering if you could give us your views on the process of constitutional reform. What sort of process do you feel should be followed from here on in?

MR. MALONEY: The process of hearings that was taken was fine, as long as they're not window dressing. I went and talked to my MLA. I'm from Calgary; I moved up a week ago. I talked to my MLA. I talked to him before Meech Lake. I talked to him about a number of things; I made a point of it. I'm actively involved, and provincially I supported his party. I spoke to him, but what I said didn't go along with party lines, so I was wrong.

As to recommendations, quit following party politics. I mean, quit doing what is politically advantageous. Do what is morally right for the people of this country. Because you don't agree, that's fine. I can disagree with you and you can be right, or I can disagree with you and I can be right. But to call people nincompoops, to disagree with them because it isn't the party line, it isn't what is convenient, politically expedient . . . I mean, the reason that was said by the past leader of the NDP was very simple: they wanted to win seats in Quebec. So that's how you decide what is morally right? That isn't the way to make a decision on morals. It isn't the way to decide on how this country is to be run and that people are to be equal.

MR. CHIVERS: I understand your point, but I'm still interested in having your views. One of the processes that's been suggested to this hearing repeatedly is the constituent assembly. I'm wondering what your views are as to process. Where do we go from here?

MR. MALONEY: My personal opinion is that small, intimate gatherings in opposition to large, vulgar crowds are probably a lot better. I think most people want the end process to satisfy them, but they will not get involved. The people that do get involved – shall we say the vocal minority? – to some extent are probably the ones that will act and work towards the ideals they believe in. Common sense would dictate as to what is right and wrong. To say that I myself or my son, because he was born in Calgary, is inferior to someone and has no special heritage, affiliation, or pride in his past heritage because he didn't come from the province of Quebec is wrong, and any person that stands at a door and blocks someone because they don't believe it's right is not representing my interests. Do what the people are asking you to do. No one in English-speaking Canada wishes to be called a second-class citizen. Constitutionally, you want to be held against a wall and told that this is the way it is or else we're going to take our marbles and go home? They're the spoiled children of Confederation, and no one – not our Premier, not our Prime Minister or anyone else – should hold a gun to the people of Canada and say, "Only under certain conditions and only under a certain time constraint can we answer this."

8:12

MR. CHIVERS: I'll try one final time, sir, because I really would like your views. How do we consummate a constitutional accord? What process do we follow?

MR. MALONEY: Okay. If the 11 first ministers as well as the representatives of, to me, the First Nations as well as the northern communities of Yukon and Northwest Territories will honestly go and represent the people . . . You can propose a Constitution; then bring it back. And the next time you bring it back, don't rubber-stamp it through the Assemblies of the Legislatures. Have the hearings and do what the people request. Tie it into a provincial election and follow up. "Do you approve or disapprove?" and follow up on it. Honour: I'm sorry if so few people understand the word.

I mean, our constitutional minister prior to the last election said that we do not have representative government; we have responsible government. Does that mean he doesn't have to represent the people? He's smarter and does better and knows more than anyone else? Represent the people and the constituents and what the people say. You do that and I'm quite sure people will be happy. You'll have naysayers, sure. Just like if you walk across the street with a turban, you'll have naysayers in the legion across the way. That doesn't mean it's right or wrong right now. Do what the people say. The majority should rule in this country, not 290 people and not 11 white men, and now one woman, I believe, locked in a room.

MR. CHAIRMAN: Ms Betkowski has a comment.

MS BETKOWSKI: Well, I'll just pick up on the point of doing what the people tell you to do. Just in this committee alone we've heard people tell us to do entirely different things in the name of honour and what is right for Canada. I guess the question becomes: how do we measure it? You know, the issues of the Constitution are extremely – I won't say complex, but they're difficult to put on a referendum ballot and say a yes or a no. So the issue of judgment and leadership, as we've heard earlier tonight, and not just finding a consensus line but adding some value in the form of leadership, becomes what I think certainly all the members on this committee are striving to give to the Legislature, which asked us to go out and do these hearings.

MR. MALONEY: I would have to assume, then, that people must believe that there are leaders within our political system that will do that. I think, as Dr. Reid said, there is a great belief amongst the population out there that they don't necessarily do that. I mean, we'll do something until after the election, and then: "Whoops, the cards changed. Now we've got to deal with these. Oh, you can talk to us in four years when maybe you've forgotten about it."

MR. CHAIRMAN: Well, I appreciate your dissatisfaction with the system, and you've expressed it in a way which we've heard. But we've also heard the extremes. I'd put them this way. We've heard people telling us – they've come before our committee – that we do not need provincial governments, that we need one strong central government, that provincial governments should be done away with completely and the country should be governed solely by a central unitary government. That's one position. On the other hand, we've had people saying that western Canada or Alberta or parts of western Canada should join together in a separate country. I'm sure the people who came and gave us those views were sincere in their beliefs, but I'm sure you will recognize there is a great deal of ground between those two points of view, wouldn't you?

MR. MALONEY: Mr. Horsman, when I watched that conference and saw the first minister of the Indian nation say that they reject out of hand this idea of two founding nations, there wasn't a Premier there that could look him in the eye. There was shame there, and if there wasn't, there should have been. Why? Because they were dealing with a false reality. These concepts that you just said to me: if people believe that, how many? I know how many people in this part of the country believe in equality of provinces.

MR. CHAIRMAN: Well, you didn't answer my question or respond at all; you simply diverted your response. That's a clever debating device, but the fact of the matter is: how do you reconcile, as this committee is being asked to do, those different perspectives? Both the presenters have sincere beliefs. We have to try and find, obviously, the majority position and the middle ground which will represent the broadest possible perspective relative to the future of Canada.

You have given us a view which we will take into consideration. As we go about our deliberations and as we go through another two weeks of hearings, which we intend to do, we will try to listen to all points of view and try to represent in a nonpartisan way, if at all possible, the views of the broad majority. That is a function of parliamentary democracy which we now enjoy in Canada. Your views have been expressed by yourself in a strong and unequivocal fashion, and we thank you very much for coming forward and being so frank with us this evening. Thank you very much.

We have no further presenters. The meeting stands adjourned.

[The committee adjourned at 8:19 p.m.]

3:15 p.m. **Tuesday, September 10, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I think perhaps we'll commence our visit to Peace River. I would like to first of all introduce myself. I'm Jim Horsman, the MLA for Medicine Hat, and I'm the chairman of the select special committee of the Legislature.

We have 16 members in total on the committee, but in order to hear more people, we have divided our committee into two panels of eight members each. We have been traveling across the province. Earlier we held hearings in the latter part of May, the first day of June. At that time we had heard well over 400 submissions, and the waiting list was quite extensive in both Edmonton and Calgary. We had requests from Peace River, Rocky Mountain House, Hanna, and Wainwright to come and visit in their communities as well, so we've made arrangements to do that.

This week we are in the process of hearing people who were on the waiting list. We spent the morning, afternoon, and evening yesterday in Edmonton, and we're here today. We will be in Rocky Mountain House tomorrow, then in Calgary for two more days. Then on the week of the 23rd we'll be going back out to some of the other communities. By the end of that week we will have wrapped up the public hearing process in the province, and by then we would expect to have received over 600 submissions, some of which have been very, very lengthy and extensive, some of which have been short; some of which have been on behalf of major provincewide organizations and some by individual Albertans who have expressed concern about the future of Alberta and our country.

I'd like now to ask the other members of the panel to briefly introduce themselves.

MR. CHIVERS: Barrie Chivers, MLA, Edmonton-Strathcona.

MR. HAWKESWORTH: Bob Hawkesworth, MLA, Calgary-Mountain View.

MRS. GAGNON: Yolande Gagnon, MLA for Calgary-McKnight.

MS BETKOWSKI: Nancy Betkowski, MLA, Edmonton-Glenora.

MR. ANDERSON: Dennis Anderson, MLA, Calgary-Currie.

MR. BRADLEY: Fred Bradley, MLA, Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA, Innisfail.

MR. CHAIRMAN: Thank you. Well, this is an all-party committee, and we have been doing our level best to maintain nonpartisanship in the course of the hearings and to listen to what people are proposing. As you know, we've given each person a 15-minute time slot, and we will try and stick to that as closely as possible because we do have a full afternoon with a number of presenters.

I'd like to call first on Ed Kary to come forward and give us your views. Please feel comfortable. We don't want to have anybody feel uncomfortable. I'm sure you won't.

MR. KARY: Thank you.

MR. CHAIRMAN: Please have a seat.

MS BETKOWSKI: Are you going to read all those?

MR. KARY: No. I actually won't be very long. These are copies of my backup for my research to my presentation.

MR. CHAIRMAN: Good. Please be seated and proceed.

MR. KARY: Thank you, Mr. Chairman, committee members. I'm here as a citizen. My name is Edwin P. Kary. I was born on a farm at Allan, Saskatchewan, 50 years ago. My family heritage contains an outstanding service to King and country. The upsetting of the English throne in the Wars of the Roses forced my ancestors to flee to Germany. The religious Thirty Years War in Germany forced my ancestors to accept land from Catherine the Great and move to the Ukraine. Communism forced my grandfather to move his family to Canada. The laws of each country were obeyed and the language learned.

I respectfully submit to you, the legislative committee on constitutional reform, that, firstly, we take a look at the avenue of housekeeping on items now in the laws of our land that are not being enforced and perhaps thereby averting quite a lot of reform.

Secondly, the 10 provinces of Canada are not treated equally. Only when hostages were captured did the federal government act to reprimand those that wanted to split our country. This is treason and must be dealt with. It does not sit well with reason that areas known as provinces have a Legislature and one area has a National Assembly. This is high treason and must be corrected.

Thirdly, the federal government is not administrating the letter of the law to safeguard the right to own property, it being in the laws of Canada for lenders. From the *Canada Law Digest* of Martindale-Hubbell:

> Farm Mortgages. – Whenever any rate of interest exceeding 7% is stipulated for in any mortgage of farm real estate, if any person liable thereon tenders to the mortgagee the amount owing on such mortgage and interest to date plus three months interest in lieu of notice, no interest may after the expiry of the three months period aforesaid be charged in respect of the said mortgage at any rate in excess of 5% per annum. This applies to all such mortgages, whenever made and whether or not the principal sum is due at the time of such tender or payment.

From *Martin's Criminal Code*, 1983:

> Fraudulent Concealment of Title Documents . . .
>
> (1) Every one who, being a vendor or mortgagor of property or of a chose in action or being a solicitor for or agent of a vendor or mortgagor of property or a chose in action, is served with a written demand for an abstract of title by or on behalf of the purchaser or mortgagee before the completion of the purchase or mortgage, and who
>
> (a) with intent to defraud and for the purpose of inducing the purchaser or mortgagee to accept the title offered or produced to him, conceals from him any settlement, deed, will or other instrument material to the title, or any encumbrance on the title, or
>
> (b) falsifies any pedigree upon which the title depends,is guilty of an indictable offence and is liable to imprisonment for two years.
>
> (2) No proceedings shall be instituted under this section without the consent of the Attorney General. 1953-54.

Knowing that the courts of Canada and the provinces have justly awarded corrections of interest overcharges, the government has not done a housekeeping job to audit all financial dealings and prosecuted guilty lenders and shoddy lawyers but rather allowed courts and sheriffs to use the officers of the law to remove small businesses and farmers from their way of life when it was illegal actions and tremendous inflationary actions and actions that accumulate our national wealth in the hands of conglomerates rather than leave the ownership of the land in the hands of the people. The most shameful part of all is the farm credit corporations and provincial land banks which are involved in this butchery of our economics with inflation-causing high interest rates.

3:25

This point displays that our politicians condone governments' owning the land rather than governing it. Furthermore, there is a tremendous consensus of opinion that when the politicians' tenure of power is terminated, as altruistically as they swear when accepting office, they should retire to Canada pension plan benefits only and not to the plush self-help to the public funds. As King John gave the ownership of the land of England to the people in the Magna Carta, June 10, 1215, and as Queen Victoria gave the ownership of the land of Canada to the people in the BNA Act, 1867, this right is in the trusteeship of the governments.

Legislative committee, your wisdom is desperately needed, and the cobwebs and smoke screens that politicians will cast will require your most loyal commitment to the land of Canada. Historically, the hardwood of eastern Canada was given away over a century ago; the fur trade was allowed to be ravaged by two international companies; the gold fields of Yukon were butchered by the gold hustlers, parallel to the plundering of today's grainfields. The rightful gold claim stakes were lost and claimed null, void, and nonexistent. Fishing grounds were harvested by foreign countries. Loggers, trappers, farmers, miners, fishermen: all taken from their occupations by conglomerates and financiers. No money is seen, no equity is acknowledged, or retirement accommodated: a stroke of the pen devastatingly applied.

In rebuttal to politicians saying that they will tell us what is good for us, I quote:

> As stated by the Chief Justice of Canada, the Constitution of Canada does not belong to either Parliament or to the Legislature of the several provinces but belongs to the country. Under it the will of the citizens is the superior: not the will of the Parliament and Legislatures.
>
> Therefore if any Member of Parliament is not governing the country in a constitutional manner, the voters who elected any such member may constitutionally call upon such members to carry out the provisions of the B.N.A. act or else resign. The voters may then in the case of a resignation, elect other members to represent them who have agreed to insist that the provisions of the B.N.A. Act are carried out.

Our resources, national wealth, and ownership are being given away for patronage and appointment.

My submission is that there is not so much reform of Constitution required as there is a cleanup of the way our Constitution as it came to us in the BNA Act should be adhered to and set about for the people to have an equity in our land, Canada, her mines and forests and grainfields and fisheries, thereby giving our children chances at a dignified life. J.F. Kennedy said that nothing matters except the children.

Thank you for your time.

MR. CHAIRMAN: Thank you very much, Mr. Kary. We note your very deep conviction to the country and your concern for its future. I wonder if the point that you have made that there's not so much wrong with the Constitution – and that's a point we've heard other places, that we don't need a great deal of constitutional change in order for the country to carry on but adherence to what's really in there. Is there anything you would like to suggest to us that might be changed in order to make the country function more adequately to represent your interests and those of your children and the future generations?

MR. KARY: Yes. I think that an analysis of my points would suggest that rather than a heavy-handed government, have a government more responsible to the peoples.

MR. CHAIRMAN: You're not really coming before us today advocating change but rather adherence to and carrying out of what is presently in the Constitution.

MR. KARY: Yes, sir.

MR. CHAIRMAN: Okay.

Any other questions or comments?

Well, thank you very much for your eloquent and passionate presentation.

Peter Reese.

MR. REESE: Thank you, Mr. Chairman and members of the committee. Before I begin, I'd like to assure you the marks of my nose are not from fighting with my neighbours or my wife; it was an altercation with a forklift.

With that, my submission in relatively short but hopefully to the point. My name is Peter Reese, and I'm here today representing the Agriculture Producers of Canada. I farm to the north of here in the Manning area. I'm also a councillor for the local ID, and I have been active in the National Farmers Union. So I have been quite involved in farm politics as it has evolved throughout the last few years. At this point in history I think the farmers are facing some very, very difficult times, so my submission is the following.

The Agriculture Producers of Canada hereby request that the following be incorporated into the Canadian Constitution: all family farms be given a price for their products that reflects the cost of production plus a reasonable profit, to assure the continued existence of a healthy, viable, rural community. It is the inalienable right of these productive and important producers to receive an income that allows them to live in dignity at least on par with other sectors of the economy. This price should apply to all domestically consumed food. Secondly, self-sufficiency in food production within our own borders should be encouraged as much as possible and all trade agreements that act counter to this abrogated immediately.

In explanation, we recognize that in an extremely volatile world situation, no country can guarantee fair prices on the world market. However, we also recognize that the federal government has the power and the moral responsibility to protect a productive segment of its society from these devastating world grain prices. Within our own borders we have the power to implement tariffs, duties, and prices that will assure a fair price for our products that we produce. As you are aware, 48,000 farmers are in immediate danger of losing their farms, as indicated by a study done this spring by the Standing Committee on Agriculture – 48,000 farms. This clearly indicates that the policies now being followed are bankrupting our rural communities.

3:35

The GATT agreements and the free trade agreements are designed to enhance the profitability of a few multinational corporations. Likewise, the GRIP and NISA programs are designed to be revenue neutral and again to accommodate this same select group. The trade agreements now in place are dragging us down to the level of Third World status. It is time that this government realizes there can be no substitute for a fair price for our products.

That about concludes my presentation, ladies and gentlemen. I hope that I am able to impress upon you the severe financial situation that is in our communities, the foreclosures that are pending. I am afraid, ladies and gentlemen, that we are going to see some bloodshed before this is over. I seriously think that people are getting desperate, and I just don't know what's going to happen, but I want to impress upon you that it is a serious situation out there. As you know, these are hard-working, productive people. They aren't coming for handouts. We are producing a product that is needed. A recent conference held in Vancouver stated that 800 million people do not get one square meal a day. While farmers are going broke, food banks are running out of food. Ladies and gentlemen, what in the hell is wrong?

With that I conclude. Thank you.

MR. CHAIRMAN: Thank you.

Any questions or comments? Yes, Yolande.

MRS. GAGNON: I think we all appreciate the severity of the problem you're indicating to us. My husband owns part of a farm where they're getting 50-bushels-an-acre wheat this year, and they have no market and will clear maybe $1,300. So, you know, I personally know how difficult it is. But I'm wondering, when you indicate that farmers should receive fair prices for the products they produce, if you would like that written into the Constitution. Where is the tie- in here with the Constitution?

MR. REESE: Well, I think it fits quite well within our Constitution that as productive members of that society we should be paid a price that reflects the work and the investment we have in there. I think it's unfair to ask any segment of a society to bear the brunt, as we are doing now. As you know, the federal government has stated that they are unable to finance the farmers in the face of the world situation, in which there is a price war, the United States and the Europeans being the main people involved in that they are subsidizing their farmers. On the other hand, how can this government ask the farmers when the government themselves cannot afford it? They are asking the farmers to keep this war going, and we can't do it. We're broke now.

MRS. GAGNON: If I just might pursue it a little further. When you're saying there should be self-sufficiency, are you saying that within the country we should produce our own food for internal consumption, that those of us who are users and consumers pay a fair price, and that we not worry that much about trade with other countries?

MR. REESE: Yes, it's good that you brought up that point. I'd like to clarify that again. I am saying that within the context of world trade we really do have no power as a country to set prices within the world trade, but I am saying that we clearly have jurisdiction within our own boundaries to set a price. I think if we looked at what is consumed within our own boundaries, if you transfer that to wheat, each farmer that is left remaining on the prairies would be able to put into that market something like 5,000 bushels that we could guarantee a price for. Now, if that same farmer wishes to produce 200,000 bushels and take his chances on the world market over and above that which is consumed in our country, then I guess he would be taking those chances. But surely, surely we can guarantee the farmers a price for what is consumed within our own borders. But as I state, we have burnt our bridges behind us because of some of these stupid deals that we have signed, free trade being one of them and the GATT being another.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: All right. Gary Severtson, Dennis Anderson, Nancy, and then Barrie Chivers.

MR. SEVERTSON: Yes. I'd like to say that I understand the difficulty agriculture is in, because till two years ago that was my sole living and my son is running the farm now. But you contradict yourself in a way, I think, when you say trade agreements. It's the lack of the GATT in recent years that the trade war is still going on, not because of the GATT. The previous GATT – but that's what the holdup right now is mainly in agriculture products. A lack of agreement is causing the trade war.

Then I'd like to go to your theory of production just within our borders. I think you may be aware that 80 percent of our grain produced is exported. If we start putting tariffs and quotas on our provincial and federal boundaries, we can't expect to ship 80 percent of our grain out to other countries if we ourselves build up our own walls. So I can see that could be a problem. What's your idea on that?

MR. REESE: Well, Mr. Severtson, I'm glad you brought that point up. I fundamentally disagree with you. I don't think there are too many agricultural producers that actually agree with the GATT as it is now set up. As you know, even in France and Germany and some of the European countries there is a great disagreement with the GATT because it would eliminate subsidies that are causing family farms to exist there that would not exist either. So I think around the world there's probably some resistance to the GATT.

I did not say anything about provincial borders. I'm talking within our federal borders, so I'd like to clarify that point. I certainly don't intend to see any restrictions in interprovincial trade. But I do see the federal government as having jurisdiction in the price that they can pay for products consumed within our own borders. I know it's a chaotic situation out there with the trade wars that are taking place right now, but surely we can give our producers a fair price for those products that are consumed within our own borders. That is certainly within the realms of possibility and the power and the jurisdiction of this government.

MR. CHAIRMAN: Thank you.

Dennis Anderson, Barrie Chivers.

MR. ANDERSON: Thank you, Mr. Chairman. Peter, I'd just like to explore a bit further the question that Yolande was raising with you regarding what step it is you would like taken. I understand you saying that the federal government could, in fact, be involved and make certain decisions in this area, and I won't argue those. I'll leave it more to the people with expertise in the farming community, like Gary. But I did want to make it clear: who would make those decisions? If you put it in the Constitution or the Charter of Rights, then it would be the Supreme Court that would make those judgments. Do you feel that those judges would have the ability to determine what the prices should be in agriculture and what would be reasonable incomes and those kinds of questions that you've raised? Or are you just saying that the federal government should be considering these items that you've raised, and are you disagreeing with the government's action in that regard?

MR. REESE: I guess I would have to say, Mr. Anderson, that I fundamentally disagree with the policy of our federal government now in place in the area of trade and commerce. My proposal today is a complete shake-up of what we have in place at the present time. I am saying that we would probably have to pull back from some of the agreements that we have entered into at this time. As far as setting the fair prices, I don't think that's any problem. We know today that to produce one acre of grain is costing the farmers on the average across western Canada $171 per acre. These figures are available to everyone, and I don't think there's any problem in coming up with a figure that would be just and fair.

3:45

MR. ANDERSON: I understand that you're proposing a total shift in the decisions that are made. Are you saying the federal government should make those, though, or that they should be made by the Supreme Court through constitutional entrenchment?

MR. REESE: Not being an expert on the Supreme Court, I don't know whether that jurisdiction should be put there, but I certainly think that we have the power within the jurisdiction of the federal government to implement the policies that I have just suggested. I just don't know where the Supreme Court would fit into that.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Okay. Thank you.
Barrie Chivers, and then Nancy.

MR. CHIVERS: Peter, I think many of us here at this table understand your submission with respect to the desperate plight of the farm community in some areas of the province. The difficulty for us is that we're focused on a constitutional rearrangement of the constitutional accord. To put your submission into a constitutional focus, one of the suggestions that has been made by a number of people, some of whom have appeared before this committee in other locations, is the inclusion in the Canadian Charter of Rights and Freedoms, which is part of our constitutional framework, of what's called a social charter. I would assume that what you're suggesting here is that there are some basic rights and values that should be reflected in some manner in our constitutional document, basic rights and values which would reflect the ideal of preserving the farm community, the individual farmer as opposed to the conglomerate that you and the previous presenter spoke of. Am I assuming too much to suggest that what you're really speaking of is a mechanism such as a social charter, which is going to go some way to balance individual rights and group rights?

MR. REESE: Yes, I would think so, Barrie, not being an expert in that field. Wherever it would fit in within the Constitution, I would like to see that enshrined in there so that we do save the family farms. I think that we have a very good method and a very efficient method of producing food in Canada right now, and at the rate we are losing family farms, it will soon be gone. Like I say, I don't know how it would fit in the Constitution or just where it would fit in, what portion it would fit in, not being an expert in that. I would leave that up to you people who have more experience in that field than me. But I certainly feel that it can be and should be a part of the Charter.

MR. CHIVERS: I noticed an article in the newspaper recently which dealt with the aging factor in terms of family farms and the fact that the younger people are not choosing to take up farming as an occupation and, indeed, in many instances can't afford to. Would you like to give us your views on that?

MR. REESE: This is very true. I guess at this point we could probably write a book on the people that we are losing and the personal tragedies that are happening. We experienced a death in our community the other day through an accident, and I suspect it was due to a large degree to the financial pressures on this family. We can point out many more. We're losing probably more younger people out of the farm community at this time than the older people, but we are losing older people, and there is no one to take the older people's place. In our situation in our community, as I suspect is the same right across Canada, those of us who have worked hard to build an equity, knowing that we would never get very wealthy but feeling that we had some security in the equity that we built in that farm, find now that we have lost our equity. We have nothing left. We haven't even got anything to retire on, and that is basically our retirement fund: the equity that we built up in that farm.

MR. CHAIRMAN: Well, thank you very much, Mr. Reese. I think Mrs. Betkowski's question has been answered in one of the other questions. We appreciate you coming forward today. Thank you.

MR. REESE: Thank you. I appreciate the opportunity.

MR. CHAIRMAN: The next presenter, on behalf of North Peace Catholic schools, is Saundra Dechant. Is that correct?

MRS. DECHANT: Just about.
Good afternoon, committee members. My name is Saundra Dechant, Jim.

MR. CHAIRMAN: Dechant? Okay. Sorry.

MRS. DECHANT: I am the chairperson of the North Peace Catholic school board, district No. 43.
Hello, Nancy, and hello, Yolande.
As chairman of the North Peace Roman Catholic separate school district No. 43 I would like to thank you all on behalf of my board of trustees for the opportunity to meet with the Select Special Committee on Constitutional Reform and share our feelings about constitutional issues as they pertain to separate school districts.
Protection of the separate school district rights. Pursuant to section 93 of the BNA Act of 1867, the Legislature exclusively makes laws in relation to education in and for the province of

Alberta. By that authority the province exercises absolute discretion subject to the condition of not prejudicially affecting any rights or privileges with respect to separate schools which any class of persons had pursuant to the school ordinance of the Northwest Territories. The rights of separate schools were therefore retained in the Alberta Act of 1905 and, more recently, were reaffirmed in the Alberta School Act of 1988.

The preamble of the present School Act clearly states that

> there is one publicly funded system of education in Alberta whose primary mandate is to provide education . . . to students through its two dimensions, the public schools and the separate schools.

We believe that separate schools can serve as a model for improving public education. We need our schools – and I really stress this: we need our schools – to provide our children with a vision and with a value system.

The views of religion are not welcomed in public policy debate for fear that we force our view on another. The modern effect is the near achievement of a value-neutral public policy and value-neutral public education. Schools mold and direct the future of our children. While schools remain second to the family in the power of their influence, the distance between the first and second – that is, family and schools – is now closer than ever, given the condition of today's family. Our Catholic schools today educate for justice and service. They provide a vision and a value system. On this base we would like to recommend that the Select Special Committee on Constitutional Reform ensure that any involvement in the Canadian constitutional review process include initiatives for the protection of the separate school rights presently afforded to Albertans under the Canada Act 1982, section 93.

As a separate school district we appreciate the positive approach the Legislature has taken in the past to enact legislation or regulations that enhance the opportunities for all Alberta school children.

I'd like to thank the committee for the opportunity given to us to make our concerns known and appreciate any consideration that might be given to addressing these concerns. I have brought along a copy of the brief for you.

MR. CHAIRMAN: Thank you very much, Saundra. Could you just perhaps give us a little bit of background on the school district? How many families do you serve, how many students? How many schools are operated?

MRS. DECHANT: I can't tell you the exact number of families. That's kind of hard because we have the inflow and the outflow, but we do have 1,150 students under our care.

North Peace is a model, and Nancy can probably tell you a little bit more about that. We were five different school districts, five small school districts, that shared a superintendency. We applied to the minister to amalgamate under one jurisdiction. We were given that permission, and the five districts are now one large district. Now, this is not unique when you just talk about it, but our unique situation was that we had four districts whose boundaries touched. We were able to amalgamate that way, but we had one district that happened to be a hundred kilometres to the north; we could not touch the boundaries. There was no way that we could possibly amalgamate, but by ministerial approval we were given that right.

What else would you like to know, Mr. Horsman?

3:55

MR. CHAIRMAN: I just wanted to know how large. By the way, how many schools do you have in the system?

MRS. DECHANT: We have five schools.

MR. CHAIRMAN: Five schools.

MRS. DECHANT: Yes.

MR. CHAIRMAN: Okay. We of course have heard from a number of your colleagues in the Catholic school system over the last while as we've been going around the province, and they've all made the same case and made it very effectively. Of course, it has been pointed out that Alberta's situation relative to the provision of Catholic school education is quite different than is found in other provinces. Most of the others have said that you want to keep it that way and you want to keep the Alberta system in place and would prefer to have the province have the jurisdiction it now has. Is that correct?

MRS. DECHANT: That's correct. Yes.

MR. CHAIRMAN: All right.

Other questions or comments? Yolande, I would be surprised if you . . .

MRS. GAGNON: Well, the Hon. Nancy Betkowski, Saundra, and I, I think, are architects of that new School Act. We all struggled through the whole process.

MRS. DECHANT: Right.

MRS. GAGNON: I know that when we've had previous presentations from people from the Catholic school systems in Alberta, some have thought that they were protesting too much or they were worried about something that would never occur. You know: separate school rights are entrenched in our law, and we shouldn't worry about it. However, I think you're wise to make your case, because a recent book which has been published by a well-known historian in Alberta makes the case that separate school rights should be abolished. So I'm pleased that you came forward and made your case, just alerting all of us that this may be there as an issue of contention or an issue to be discussed.

Thank you.

MRS. DECHANT: Thank you.

MR. CHAIRMAN: Nancy.

MS BETKOWSKI: I think I'm fine. I think it's a very, very important subject to be brought up, and I think it reminds us of how important and how precious our education system is. So I'm glad you're here.

MRS. DECHANT: Thank you very kindly.

MR. CHAIRMAN: I think the point that Yolande has made is true. There is a debate on the issue, and people should not take it for granted that that debate is going to be minor in its nature, because there are people who quite strongly believe the opposite. So it's important for you to make those points, and this is the place to do it. If people are satisfied with things in the Constitution, we want to know that, as well as the people who are dissatisfied. We've certainly been hearing about that often enough, so we do appreciate your perspective.

Does anybody else wish to participate? Yes, Barrie Chivers.

MR. CHIVERS: I wonder if I could just raise a separate but related topic with respect to another debate that is under way to a certain extent surrounding schools, and this affects the constitutional dimension as well. The funding of schools: the funding of the separate system and of the public system, and the funding of private schools. I wonder if you have any comments for us in that regard.

MRS. DECHANT: Well, now, how many minutes do I have here? Do I have any comments on it? Yes, I do, but they would be personal comments and not the comments of my board.

MR. CHIVERS: That's fair enough.

MRS. DECHANT: All right. I have been a school trustee for a number of years. I became a school trustee when funding was not quite as plentiful in Alberta for separate schools as it is today. Today the separate school system does enjoy very close to an equal amount of funding as the public system. We're very grateful for that. We've worked very hard for that. I think that is the only way that two publicly funded school systems can work on an equal basis. As far as private schools are concerned, I really don't know enough about them. I really can't speak about how they're funded.

I do have a concern with the funding that a small jurisdiction like the one that I represent – we're very far away from the large centres. Our students do not enjoy all of the amenities that students in a larger centre have. Just take for example our own high school here in Peace River. We do not have a shop facility. That's a very expensive program. We cannot offer that. We cannot offer beauty culture or even home economics, but we do purchase those services from our neighbouring school jurisdiction. That's very costly. We don't really get the funding that we pay out; we don't really get funding for that. We don't have a large tax base. We're a rural tax base. Rural taxes really do not cover the cost of educating our students. We cannot afford to run our own school bus system. We purchase that service. It costs us more than the transportation grants that come in for that; it costs us a lot more than that. In our jurisdiction it probably costs us in the neighbourhood, I would say, of between $6,500 to $8,000 to educate our students, whereas in a larger centre the costs of course go down.

We have a hard time retaining teachers because we're so far north, and I suppose you could say that even so far south. The only way we seem to be able to retain them is if they happen to marry and settle in the community. We have a hard time attracting quality, and I'm not saying that we don't have quality teachers. We do have quality teachers. Band teachers: we have a hard time attracting them up to our north. There's not really that much up here if you do not have roots in the community.

What else would you like to know? I could go on and on and on.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Actually, it's not really the type of thing that can be fixed constitutionally. I don't think you're suggesting that funding be entrenched in the Constitution. That would . . .

MRS. DECHANT: I would like to see it so.

MR. CHAIRMAN: Would you? Well, there are some things that constitutions can do and some things that constitutions cannot do.

MRS. DECHANT: No. We recognize that.

MR. CHAIRMAN: If we put something in the Constitution, it's very hard to change, and it may be satisfactory now and not satisfactory five years from now. That makes it very difficult to constitutionalize things such as funding levels and so on.

Yes.

MR. HAWKESWORTH: Just a bit of a follow-up, Mr. Chairman. Our Prime Minister has made some comments that he sees there might be a possible role for the federal government in a national strategy for education in some form or another. I'm just wondering if you think that there is a role of some kind that the federal government could be playing or should be playing or should not play when it comes to – I don't know – establishing standards or funding. What do you see the possible role, if any, for the federal government in education?

MRS. DECHANT: I would like to see the federal government take leadership in standardizing education throughout our country. There is such a difference in standards between provinces. I think it's very sad when a student who, say, has been educated for eight years in Ontario moves to Alberta and they find that they really do not have eight years of education by Alberta standards, that they either move up or move down. When students go into postsecondary education, it's very hard to move from university in one province to university in the other province and have everything that they have taken previously recognized. I have that experience with my own children. I really think it's sad that when you have an educational facility someplace in the east – just pick a province; say you have a degree in Nova Scotia – and when you move to another province and do postgraduate work, you find out that perhaps everything you have taken to gain that degree is not recognized in another university. I have been saying this for years and years: standardized education can be a good thing. Standardized education could possibly lower standards in some circumstances, and I would hate to see that.

4:05

MR. CHAIRMAN: Let me just pursue that for a moment. Say we were to standardize and the federal government were to take the leadership role, given the weight of Ontario, would you be happy with standardizing the Catholic education system in Alberta to the Ontario standard?

MRS. DECHANT: I don't know if I would, Mr. Horsman.

MR. CHAIRMAN: I doubt that you would in view of the fact that there is no guarantee of Catholic education in Ontario today.

MRS. DECHANT: That's right.

MR. CHAIRMAN: So that's the dilemma, isn't it?

MRS. DECHANT: That is the dilemma, yes.

MR. CHAIRMAN: And that's one thing we're struggling with in this committee as we go through the process.

MRS. DECHANT: Yes. That's understandable.

MR. CHAIRMAN: Okay. Thank you very much.
Sorry, Dennis.

MR. ANDERSON: Just to explore that for one minute more. Would you prefer to look at the federal government establishing a standard, or do you think there is a possible role for the provinces jointly establishing the transferability and standards there? Might that be an answer to the dilemma that the chairman raised?

MRS. DECHANT: I would think that probably, if it could be done, the provinces.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Well, we're very close to getting to that point on achievement testing.

MRS. DECHANT: Yes.

MR. CHAIRMAN: The only province so far that is not in is Ontario. They were in, but now they're out. But there's a chance they'll be coming back in as a result of some discussions we held in Whistler recently in the Premiers' Conference. So there's some hope there, and I think that would be a very major step forward.

MRS. DECHANT: Certainly.

MR. CHAIRMAN: Well, thank you very kindly, and thank you for your volunteer contribution that you make as a member of the board of trustees. We all know in public life how much time and effort we spend and you spend working for our fellow citizens. Sometimes we don't always get a lot of thanks, but I'd like to thank you today for your efforts.

MRS. DECHANT: Thank you very kindly.

MR. CHAIRMAN: Thank you.
Next, Larry Lynch and Anita Belzile. Anita, did I pronounce your name correctly?

MRS. BELZILE: Yes, you did.

MR. CHAIRMAN: Welcome, and please proceed.

MR. LYNCH: Thank you. I'll be starting our brief. L'ACFA régionale de Rivière-la-Paix is pleased to present its brief on the constitutional reform of Canada.

Our organization recognizes that Canadian society is composed of three national communities: the native national community, the French-speaking national community, and the English-speaking national community. Ethnocultural groups enrich Canadian society with various languages and cultures. The issue of national unity preoccupies us. We are worried that many people who don't know and understand completely our Canadian history can't recognize the place that Francophones occupy in the development of our country and of our province. It is important to remember that Francophones contributed to the development of our country, our province, and especially our region. We just need to look at the Alberta map to see French names: St. Isidore, Jean Côté, Girouxville, Tangent, Grouard. French-speaking pioneers came here to develop our beautiful region. We have to be assured that these historical facts which explain the recognition of our two official languages are known by all Canadians.

We believe that our government has a responsibility to ensure that the contribution of Alberta's Francophones is taught in our schools. All too often history books give the impression that we arrived here within the last 10 years. Francophones have been in Alberta since the 18th century. In teaching history we have to present all points of view: those of the aboriginals, the Francophones, and the Anglophones. For example, it is unacceptable to say that Acadians emigrated to the United States when we know that they were deported. This situation is not unique to Alberta.

We recognize the vital role of the media. We now have even fewer opportunities of communicating our reality to the general public. It was a great disappointment that our government did not react against the CBC cuts of French programs in Alberta. Circulation of information from west to east and east to west must be Canadawide if Canadians are to be well informed and to ensure that all Canadians have the same information. Too often we feel that we are not aware of events in the east and easterners are not aware of what we are [going] through.

Canada is officially bilingual. It is one of the fundamental characteristics of our country. Officially Quebec Anglophones and Francophones living outside Quebec have the same rights. If that is so, why have Anglophones in Quebec had the right to manage and the control of school boards for the last 270 years and Francophones in Alberta have not? Why are we still waiting in Alberta? Why is it that we constantly have to fight to obtain Francophone schools while Quebec Anglophones have 300 English schools, seven colleges, and three universities?

We need the Charter of Rights and Freedoms and the Supreme Court to ensure that our government respects the Constitution of our country. If it weren't for the Supreme Court judges, we'd still be trying to convince our provincial government of the existence of minority language education rights entrenched in the Constitution. Often judges of the Supreme Court have to indicate to politicians which direction to take. This is a good example of the importance of the role of the Supreme Court in our lives today.

MRS. BELZILE: We believe in a bilingual Canada and in effective bilingualism. We do not want to force any Albertans to learn French. We are reasonable people. We believe that our government has the responsibility to inform Albertans that it is a myth to suppose that we must be bilingual to work in the federal government public work force. Only 3 percent of federal jobs in western Canada are bilingual. This myth contributes to anti-Francophone sentiments. Albertans are reasonable people. A good example is the French working group on management and control of school boards. People got together to produce a report which offered unanimous recommendations on this subject. The committee visited our area, and we participated in this good example of a working team who can achieve their goals.

Quebec status. Six million Francophones reside in Quebec.

MR. CHAIRMAN: I'm sorry. Could I just stop you for a moment and just make it clear. In your last paragraph you said, "A good example is the French working group . . ." Shouldn't that be the French language working group . . .

MRS. BELZILE: Yes, that's what it was intended to be.

MR. CHAIRMAN: Sorry; just for clarification. I'm sorry to interrupt you.

MRS. BELZILE: Yes. I hadn't noticed that.

One million Francophones reside in other provinces. The 6 million Francophones in Quebec should be awarded a special status. It is clear for us. If we'd like the French language to have the same status as the English language, we have to reduce the differences which exist between us. The province of Alberta does not need more powers because the English language and the English culture are not in danger in our province. The French language is threatened in Alberta, and that's why we need institutions.

The village of Falher is a good example of our situation. In 1971, 83 percent of the citizens of Falher were Francophones. In 1986, 64 percent of the citizens of Falher were Francophones. We are convinced that it is in having French schools that we can counter this rate of assimilation. Since we have had l'école Héritage our community is more proud of its Francophone roots.

We feel that Canada should recognize the place of aboriginals in our country. We should recognize their place, respect them, understand their culture, and valorize them.

We believe that the Senate should return to its original mission to protect the minorities and regions. We would like a representation founded on the concept of the three national communities. It is essential that the elected Senate officials represent their community and not their respective political party. The Senate should have the power to refer the provincial laws which are not consistent with the Constitution to the Supreme Court.

4:15

Notwithstanding clause. We ask that this clause be eliminated. It is unacceptable to allow provincial governments to bypass or ignore the guarantees of the Constitution. Dictators operate in this fashion.

Conclusion. Finally, we ask our provincial government to recognize and guarantee the rights of Francophones in our province whatever the future of Canada may be. Our ancestors settled in Alberta to develop a new territory. They were proud to be Canadians, to be Albertans, and to be Francophones. The Francophones of the Peace River area are proud to have obtained the first Francophone school in rural Alberta. We would be happy to welcome one of Alberta's first Francophone school boards in our area. We are hard workers, we are tenacious, and we are courageous. We deserve our place as Canadians, as Albertans, and as Francophones.

If you don't mind, I would like to repeat the conclusion in French, in our maternal tongue. Nous demandons, en dernier lieu, au gouvernement de l'Alberta que les droits des Francophones de notre province soient garantis quel que soit l'avenir du pays. Nos ancêtres sont venus s'installer ici pour développer de nouveaux territoires. Ils sont fiers d'être Canadiens, d'être Albertains, et d'être Francophones. Les Francophones de la région sont fiers d'avoir obtenu la première école française en milieu rural de la province. Nous serons heureux d'accueillir une des deux premières commissions scolaires françaises. Nous avons à force de travail, de ténacité, et de courage mérité notre place comme Francophones, comme Albertains, et comme Canadiens.

Thank you very much.

MR. CHAIRMAN: Thank you very much.

Questions or comments? Gary Severtson, Dennis Anderson, Barrie Chivers.

MR. SEVERTSON: Yes, Mr. Chairman. I would like to ask: on your Senate reform, you founded it on three nations. Would you say that the French, the English, and the aboriginals would be a third, a third, a third?

MR. LYNCH: When we mentioned that, we weren't talking about specific ratios, so long as this characteristic is represented in some way, shape, or form in the reformed Senate.

MR. SEVERTSON: But not equated to the triple E.

MR. LYNCH: Not necessarily, no.

MR. SEVERTSON: Okay.

MR. CHAIRMAN: Dennis, and then Barrie Chivers.

MR. ANDERSON: Mr. Chairman, actually my question was the same as Gary's. I was wondering if you could be more specific on that, in particular how one would represent the variety of English-speaking Canadians that there are. You know, I'm Italian and Danish by background. How do you represent that? Newfoundland is different from British Columbia. Could you help me get a bit better handle on how we would go about doing that in something like a Senate?

MR. LYNCH: As a small what we call a regional, a local, of l'ACFA, basically we didn't go into details on Senate reform; we brought it up because we knew it would be important, that you'd want to talk about it. The principle is that we support the idea of Senate reform and that we support the representation of the three major communities. Whatever else, the details have to be worked out. Unfortunately, we didn't sit down and think about that at the moment.

MR. ANDERSON: Perhaps I could ask, Mr. Chairman, one more philosophical question which I'm having difficulty grasping amidst our discussions, and that is: to what degree do we now as a country, together with people from many backgrounds, establish our Constitution on the basis of the past as opposed to what exists now? Clearly, there are traditional rights that are there, there are traditional problems that have existed for native people and others, but how much weight do we give to that versus what we need as people to move as a nation into that future? Not an easy question; if you can answer it, you could probably win the lottery.

MR. LYNCH: On a very personal level I feel it's of utmost importance that we take into consideration the historical facts, the historical building blocks on which the nation was founded and to continue encouraging the same direction, always including the new that has to be added. That's my own personal philosophical answer.

MR. ANDERSON: So the fact that 200 years ago there was English, there was French, and there were native people you think should override many of the needs that are there of those who have come into the nation since then?

MR. LYNCH: That's not at all what we're saying. What we're saying is that those are the major communities. We still encourage the multicultural nature of the country within the major linguistic groups: the multicultural First Nations, the multiculturalism among Francophones, the multiculturalism among Anglophones. That's all outlined in our provincial association's document on multiculturalism, if you have any more questions on what our position on that is.

MR. ANDERSON: Thank you, Larry.

MR. CHAIRMAN: Barrie Chivers.

MR. CHIVERS: Yes. Thank you for your presentation. I'm very interested in your comments on the notwithstanding clause, and I'm a bit surprised at your approach. Not surprised because this is the first time that we've had this proposition put to us: it's been, I think, one of the more characteristic features of presentations in Alberta that there's been strong opposition to the notwithstanding clause, and perhaps somewhat ironically some of that opposition is rooted in the exercise of the notwithstanding clause in Quebec surrounding the language rights issues. In that context I think it's necessary to understand that the notwithstanding clause was very much a key point in the repatriation procedure. It was not only in Quebec; it was regarded in other provinces as being crucial to a constitutional accord. I'm just wondering how you see us as being able to act on that representation and having any possibility of success in achieving constitutional accord. Do you think it's feasible to remove the notwithstanding clause from the Constitution and still achieve a constitutional accord that's satisfactory to the citizens of Quebec?

MRS. BELZILE: I'm afraid you're not speaking to Constitution experts.

MR. LYNCH: Our view is that the Charter of human rights has to override everything.

MR. CHAIRMAN: I don't want to interrupt, because it's an interesting point. The Charter of Rights, of course, was drawn up by politicians, enacted by Legislatures, and changes to it, of course, can only come about by politicians and so on acting to do so. As Barrie has pointed out, there was a compromise. There were people who strongly felt that introducing a Charter would undermine the supremacy of parliaments and place the definition of policies in the hands of appointed people, the courts. That, I think, was the main concern on the part of the government of Alberta of the day. I think Barrie has quite rightly pointed out that much of the concern expressed to us has been that the Quebec government used that in a way to undermine the use of English in Quebec. That has flared up, really, as a factor, and Quebec strongly still believes in retaining it. So that's one of the dilemmas we're into.

MR. LYNCH: Yeah, but let's not compare apples and oranges either. What we're asking for is basically what the Anglophone minority in Quebec has and has had ever since day one, and that's school systems and institutions which we can run and control and in which we can encourage the growth of our community.

MR. CHAIRMAN: But the use of the notwithstanding clause is a different issue than the school issue.

MR. LYNCH: Yes, for sure it is, but I don't like Quebec being compared to the situation of Francophones in Alberta, because it's not a just comparison.

MR. CHAIRMAN: No, I wasn't doing that. I'm just saying that the opposition in Alberta to the notwithstanding clause by and large comes because of what Quebec had done.

MR. LYNCH: Yes, and that's one of the reasons we brought up the point on the role of the media and the need to educate Canadians about the realities of our history and the realities of our demographics so that people better understand each other and so that Albertans understand what Quebeckers live in and the need to preserve the French language in Canada. So it's a whole re-educating process that has to be carried out.

MR. CHAIRMAN: Okay; thank you.
Oh, I'm sorry; I didn't see your hand before. Yolande.

MRS. GAGNON: Did you have your hand up?

MR. HAWKESWORTH: Yes.

MR. CHAIRMAN: Yes, and then . . .

MRS. GAGNON: He was first.

MR. CHAIRMAN: Sorry.

4:25

MR. HAWKESWORTH: On the question of special status for Quebec, we've heard a number of Albertans at our hearings either say that all provinces should be treated equally or that if Quebec is recognized as a distinct society, it might be through a reference in the preamble to the Constitution, but I think it would be fair to characterize many of the contributions made to our hearings: Albertans have a concern that by creating a "distinct society" that somehow confers a different status or it might create the two-tiered system of rights of citizenship, depending on where you might live in Canada. Obviously, your submission calls for a special status, but it doesn't really expand on that too much. While you're here, I'd like you to take the opportunity, if you would, to maybe expand a little bit on what that means from your point of view.

MRS. BELZILE: Yes. The reason we call for a distinct society, as we've touched on in our brief, is that the French language, of course, is in danger of disappearing. It's threatened a great deal. The English language is not. As Joe Clark says, you shouldn't be afraid of words. I mean "distinct society " is just words. If people can understand that, I think that would really help. We feel that the province of Quebec really needs special powers just to protect itself, to protect the fact that it's characteristic, different from any other in North America.

MR. LYNCH: Once again, I think it comes back to educating people, understanding that these special rights that we'd be willing to give to Quebec are there to protect the Francophone language and culture in North America. It's no more threatening than that. Unfortunately, what is equal in life? A lot of people said the blacks were equal in the southern states, and they had all the constitutional rights and that, but the truth was that they weren't equal. I don't like to make analogies, but the fact is that the French language is disadvantaged in the North American context and it needs special powers to survive.

MR. HAWKESWORTH: Just to follow up on the question Barrie asked earlier. I guess a lot of this, particularly the opposition to the Meech Lake accord, focused around both the distinct society and the use of the notwithstanding clause by Quebec on the language use on signs in Quebec. Do you maybe take issue with Quebec in the sense that if you're calling for the removal of the notwithstanding clause, that might remove a potential . . .

UNIDENTIFIED SPEAKER: Irritant?

MR. HAWKESWORTH: Well, an irritant, but it certainly would remove a mechanism that the Quebec government has used at least once in the past to strengthen or to preserve the French language as they saw in their province.

MR. LYNCH: But in any future constitutional reform we perceive, we believe the necessary powers would be granted to the government of Quebec to ensure that the French language can be protected as it needs to be protected.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. First of all, I want to thank you for repeating part of your presentation in French. It's only the second time in all the hearings, at least that I've been at, that we've heard French.

MR. CHAIRMAN: That was in Medicine Hat.

MRS. GAGNON: The first time was from two little Anglophone boys in French immersion in Medicine Hat. I thank you very much for that.

I also want to follow up on the Hon. Dennis Anderson's comment about multiculturalism and say that I'm very pleased you pointed out that the Francophone community in Alberta is as multicultural as the Anglophone community. A lot of people don't realize that, and I think it's typical of the myths and stereotypes that exist around this whole question, not only within Alberta but within Canada, about what's happening in Quebec. Yesterday we heard a gentleman say that the rights of Anglophones in Quebec have been severely restricted. There is the sign law, but other than that I don't know of any right of theirs that has been restricted. Maybe I'm not well informed. I just don't know about it. Again I agree with you that we need more education, more travel, all those kinds of things.

What I want to ask you is: what would you say to Jacques Parizeau? We are being visited by him on Friday morning in Calgary, and of course his position is entirely different, totally different, at odds with yours that there is one country, that Francophones and Anglophones can feel at home in Quebec, in Alberta, anywhere. What kinds of things might you say to him if you had the opportunity?

MR. LYNCH: I know the first thing I would say is that we're here and we exist. Unfortunately, a lot of the ignorance exists in Quebec, to our existence outside of Quebec. That would be the first thing. Other than that, please think of us.

MRS. BELZILE: Yes. Support us and work for us, because we're a very small community and we work very hard, but we've had many, many problems getting what we need.

MRS. GAGNON: Just to follow up, are you against the notwithstanding clause because you're afraid that sometimes it might be used for political purposes by various governments?

MR. LYNCH: We're scared of the previous track record.

MRS. GAGNON: And Quebec can be as guilty of it as anybody else? You just think it's a danger to basic constitutional rights?

MR. LYNCH: Unfortunately, when we needed the political will to entrench rights, to expand rights, to establish Francophone schools, the political will often wasn't there. We've always had to go to the courts.

MRS. GAGNON: Even when you went, sometimes the province stalled on implementing the decision of the court.

MR. LYNCH: Yes, exactly.

I'd like to make a follow-up to what you said, Yolande, in regards to people who claim that Anglophones in Quebec don't have any rights, which is, of course, totally false. We often say among ourselves in the Francophone community in Alberta that if we had half the rights, half of what the Anglophones in Quebec had, you wouldn't hear from us again sort of thing. Our demands aren't excessive, I don't believe.

MRS. BELZILE: As a matter of fact, when one of our fellow Francophones from Alberta heard someone say that Anglophones were mistreated in Quebec, he said: "Please mistreat us that way too. We'd love to be mistreated that way."

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Nancy.

MS BETKOWSKI: Maybe not a question as much as an observation. One of the things we often forget is that the francophonie hors Québec are in a very different situation as the minority than the francophonie au Québec. I think that's part of the struggle that we're having. Quebec wants language and culture as part of the special status, and you're basically saying, unless I'm misreading you, that language and culture in the rest of Canada, where the Francophones exist as a minority, should be kept within the constitutional framework. Is that right?

MRS. BELZILE: That's right.

MR. CHAIRMAN: All right. Thank you very kindly for your presentation.

MR. LYNCH: Thank you very much.

MR. CHAIRMAN: I'll call now on Mrs. Noga.

MRS. NOGA: Now, my legal name is Astride Wenigerová. I am legally married to Mr. Noga. Since everybody finds it pretty difficult to call me by Wenigerová, please call me Mrs. Noga. I kept my maiden name as one of the first feminists in Czechoslovakia, where I was born, but in no way will I be speaking on behalf of them. I am speaking for myself and my household.

They said I have 15 minutes. Is that right?

MR. CHAIRMAN: Yes.

MRS. NOGA: Okay. When President Havel was invited to the U.S. Senate to talk to them, he told them: we don't have an economic crisis in our country; that is not where we really need help. The crisis we have is a moral crisis, and the moral crisis is worldwide. I believe that as we are talking here about the Constitution and trying to put the moral rights of this one and that one, we are not addressing the problem, the malady, from the right perspective. I don't think we have a constitutional crisis. I believe we have a moral crisis, and I will be speaking about that.

4:35

My daughter is a doctor and just recently treated in emergency a very funny case, a swollen hand. They had no idea why it had happened. It looked as though maybe wasps could have bitten that hand, so they put on ointments and different medications and whatever. But it didn't become better, and in due time they just had to cut the hand and found there was infection inside. Very often when the ship is sinking, we just don't want to see it and go on polishing the brass on the top instead of going down and getting the water out. So there is much dissecting of our Constitution going on, and I would like to start to dissect too.

Many people are trying to find out who a person is in this Constitution, if a fetus is or not. I'd like to concentrate on another person, and it's here. Entendu que le Canada est fondé sur des principes qui reconnaissent la suprématie de Dieu et la primauté des droits, whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law: there, I believe, is the beginning and the end. Do we really recognize the supremacy of God and the rule of law? Here I have to stop at God, because usually politicians at this moment ask me: "What religion are you talking about? There are many different gods." I would reply that if it is a question in your minds, please ask the guy who put it there; he must know. If you don't know, being in authority, who then should know? This is the Constitution of Canada, put together apparently by the best people of our country. I believe from many things which I have studied that this God is a Judeo-Christian God, and if we believe in His supremacy, then we have to put it through our laws.

So I want to look at that. The Judeo-Christian God is teaching us that each of us, every individual, is responsible for what he is doing, that he has two ways to choose. The one, the wrong, he paved and said about 100 percent clearly, if we don't understand it very well . . . What is the right thing to do in His word, the Holy Bible? One of these things is that we are really responsible for what we are doing or we will bring some troubles on ourselves. Put a vehicle on the hill and don't apply the brakes and you know physical law will bring it down. There are sociological laws which God put in words and laws, and I believe one of them, that each of us is responsible for what we do, is very basic. Whatever Constitution you put in, it will not help you if you put in the rights of everybody but will not recognize the responsibilities of everybody. That's what I believe firmly: that each of us, me and you, is responsible for our eyes, ears, hands, vaginas, penises, whatever is on you. Unless this government starts to put this into laws, into spending, where are we going? I think that this is exactly what this government is not doing, and no Constitution will help it.

I went through one year of constitutional schooling in Czechoslovakia. We had the best Constitution in the world except for the Soviet Union, and it didn't help us to be happy, to be accomplished. It didn't help anything, just to be miserable, wretched. Now you know the news; I will not waste time on that. If we spend millions of dollars in protecting criminals who are so dangerous that to keep them in costs lots of money and don't reward good people, where are justice and responsibility? If we give all the money to support those who have so-called unwanted pregnancies, give money to pay for schooling and to raise them and their children, and then those who don't do these things have to pay for it, how long do you think those who are supporting the government with tax money will continue to do that? There is something very fundamental in people who understand that if I now go and get drunk and then smash my car, I will go to Ms Betkowski and take her car; I want included in the Constitution that I have the right to go and get her car and drive it. Now, how would she feel? Of course, if people get AIDS and know their social behaviour is not right, then we have to put billions and billions into research and whatever.

I'm not against charity, but don't mix injustice and charity. Not everybody who gets into trouble has the right to get from me what he wants, unless I want to give it myself; then this is charity. If you take it from me in taxes, and God is telling me to pay taxes, and use these taxes against God's will, then of course it is your responsibility. My responsibility is to talk about it. It looks to me like we spend many millions on safe sex education and giving out condoms and never teach anybody self-control. We pay whoever cries and yells that it's their right. What about their responsibilities? I am an immigrant. My two older children speak Czech perfectly and read whatever they want to in Czech. We took the responsibility to teach them. In Grande Prairie now there are enough parents of Czech origin to form a small school board and start our own Czech school. This country is multicultural; why not? Now, do I have the right to come and ask for your money? I don't think so. I have my responsibility, if I want to keep this in my family, to teach them. There are so many people who are musically talented. Is it their God-given right to get my taxes so they can have all the free music education they want? I don't think so. I really don't think so. This is not right. This is injustice.

Now, if I look at the history of civilization and whatever and what's going on, I'm very much aware of what I lived through, what my parents lived through, and what my great-grandparents lived through because they taught me all these things and I know them. I know that sooner or later, if we do not respect God's laws and respect only what we want, all our rights, then we will not go too far. Maybe we will use the money we are collecting from everybody to support the wrong things, unjust things, and maybe the money will start to disappear. It looks to me like that's what's happening right now in Canada.

I was told by my MLA that 60 percent of our money goes to education, to social services, and to health and very little goes for other things. Now, I went through the education system with my youngest daughter. I think it's very poor, and definitely it leads people away from respecting God and not to respecting Him. We pay all this money for AIDS cases which are in the hospital and, in turn, support the education which is bringing them where they are, but if somebody told them, "Enough is enough; take responsibility for yourself" or "Here the taxpayers' money stops and then you are on charity," maybe the situation would be different as in past centuries.

4:45

Now, I don't want anybody to think of me as an uncharitable person. If you want my tax slip, I can send it to you. We pay 20 percent of whatever we have and even more to all kinds of charitable things. I just believe that government is not individual. It has money to handle for everybody who is giving it in and has to use it in agreement that we recognize the supremacy of God and the rule of law.

I would like to advise you that you personally don't get too bored about talk of a God. If you said, "I don't care what Ford said, that this car needs gas; I am a beef farmer and it's cheaper for me to make beef bouillon, and that's what I will pour into my car," how far would we get with that car? I believe also that God, who created us, gave us the sociological laws which are calling for very unpopular things like doing good. Sinning and not sinning, doing the right things, perdition and whatever: people don't like to hear it. But the Judeo-Christian God delivers. He delivers, and that's why you can recognize him too. He is true.

If any other force were able to unify the country, like philosophy – let's say socialist or communist philosophy – then we would have proof of it already, but we don't. We in fact are seeing a great collapse. Billy Graham visited Mr. Gorbachev and Mr. Yeltsin just prior to the putsch there, and they personally told him that they believe the only thing which can save the Soviet Union right now is faith in the Judeo-Christian God. That's what they are saying after 70 years of trying and retrying to have the best Constitutions, the best laws. They never changed the human stand with whatever they were doing. They were teaching them the wrong thing. They were not applying to that malady the right medical treatment.

I believe that all of you here personally sooner or later will have to think about it, so I encourage you to think fast. What will be the unifying strength for Canada? Right now we have money, but money is dividing us at this moment. Western Canada is not happy stuffing money into Quebec. There are many other reasons why we are not happy with the money. It unites us and also divides us. There is no nationalist feeling for Canada. Although I hear it from time to time from somebody, I don't see in their lives that this is true. But of course this is not for everybody. We have nothing to hold us together, absolutely nothing. We believe that this new Constitution will keep us together. No; it will divide us even more if we do not pay attention to the supremacy of God and the rule of law.

I remember from the last things going on in the world that Kuwait was pretty badly burned. They are still surviving. I happen to know that the Emir of Kuwait is the greatest shareholder in Hoecht Germany, and Hoecht has full control over the Roussel-Uclaf company in France that is making the abortion pill. I can see the comparison that as fetuses are burned in mother's wombs through all the world through this pill, so the country of the Emir was burned. I believe this is what God is showing us constantly. We cannot value the golden eagle egg damage for $2,000 and then just let human blood go and go and go and go.

There are many other things that I don't have 15 more minutes to tell you, because in fact I am two minutes over. Please do consider who this God is, and if he is what I said, if he is the God of the Bible, then you have to act upon it in every dollar you spend and every policy you are making. If not, if this country has already decided that maybe he's a god with a small "g", maybe he's the god of the Aztecs who asked for 20,000 human sacrifices for only one of his temples, maybe he is one of the 40,000 gods of the Hindus who changed that beautiful country into land covered with human excrement and those beautiful people into people who don't believe they have anything to do with this life – they are just passively waiting – then put it there, but please don't dishonour His name by doing what's going on right now in Canada.

Thank you.

MR. CHAIRMAN: Thank you very much, Mrs. Noga, for your deeply held beliefs. We appreciate your coming before us today. Thank you very much.

MRS. NOGA: You have questions?

MR. CHAIRMAN: Any questions?

MRS. GAGNON: I only have one small one. In addition to your main point, which is the supremacy of God and the rule of law, would you say fetal rights should be part of the Constitution? We've heard both sides of that from presenters, some saying yes, fetal rights must be there, others saying absolutely not.

MRS. NOGA: If you put them there and didn't unite people with some kind of education or awareness that they really are humans, not complete yet, what good would it be? That's with all things. Now, I can ask you to put education in the Constitution and ask you to do this and that and put it all in the Constitution, but it will not help until the government and each of them personally start to think about things differently, until they return God in some way to the public. It was taken from them. It was taken from them.

MR. CHAIRMAN: I have just one comment, and it's this. You made an excellent point about responsibility, and you have taken the responsibility on yourself to teach your children Czechoslovakian. I think the same principle has to apply to the responsibility of parents to raise their children and give them the moral understanding and background and not shift that responsibility onto the school system.

MRS. NOGA: I agree with you.

4:55

MR. CHAIRMAN: That is a very serious issue now. Too many people are asking the state through the school system or whatever to assume the responsibility that they themselves should undertake.

MRS. NOGA: I understand that question. I agree with it. I went with three children through the Canadian school system. With the youngest one I have to say that the school system did everything to undermine my moral authority and my husband's authority. It's not enough. You as a government have to take in the whole picture, the psychology of children also. At the time when they are teenagers, they start to question their parents. They start to have more influence in groups asserting their power. There it was faulted very much, because at this moment the school is teaching them things which are against it. I am really for six or seven years in a sex education; I am in it. What all levels of government did to not permit us to teach kids our morality is horrendous, but you don't have time for it. I'm sure you got some of my letters. I wrote to all of you at least twice; I am sure about it.

MR. CHAIRMAN: Well, you make an excellent point, and it is a concern, but the responsibility which you assumed unfortunately has not been the case in many people's minds today. That is something that is very difficult for government to deal with.

MRS. NOGA: But the government is also saying all the time: you are not able to take the responsibility for yourself; we will do that. You pay the facilitators. You pay the educators. You are saying on one side that you want to get out of people's bedrooms, but on the other hand you are constantly telling my child in the school that homosexuality is normal behaviour. Whatever their parents – it's fine for them to believe, that's fine, but the teachers at the moment are prevailing and prevailing and prevailing. In Beaverlodge we now have this: safe sex education and 1,000 percent higher pregnancy in our grade 12s. Ten years ago when my daughter was graduating, they didn't have that privilege, and she was only under my moral teaching. They had one case. Now we have 11. What's going on there, Mr. Horsman, when you pass during the lunch hour is unbelievable. The teachers are turning their heads away.

I am not surprised, because everybody's afraid really to say anything, not to be impeached by the media and whoever or just another unhappy parent who didn't sleep well. Unless you, who are saying, "We have the right to educate your children," unless you really, really support our moral teachings and not stay in the way, then whatever you've set for me really sounds like the Czechoslovakian constitution. We had all the rights too, Mr. Horsman, but we didn't ever have them. I'm afraid for this country. My father was in prison; my sister was in prison. I know many, many things which you never went through. [interjection] Yes, thank you. You see, your questions I answer very thoroughly.

MR. CHAIRMAN: Thank you.

Michael Procter is next. Welcome.

MR. PROCTER: Thank you very much. First of all, I would just like to thank the Select Special Committee on Constitutional Reform for returning on a trip north and coming again to the town of Peace River. I have a letter to say thank you in that regard. The reason that we wrote, of course, was based on the attendance we had at the Spicer commission in April, which was very good. I'm sorry that we're not going to have as many presenters to you people. I think we had 22 at that time and about 200 people out. We certainly do appreciate the return to the town of Peace River.

I have a very brief presentation that I will present to you as Michael Procter, citizen. It goes as follows. I have grave concerns about select status, special privileges, special government status for certain groups or any other actions that give any group in our country special status over any other group or over the country as a whole. I liken this action to dividing up 100 candies between 10 children: you give the first child 20 candies because they're the biggest, you give the second child 18 candies because they have a certain ethnic background, and you give the next child 16 because of another select status, until you get down to the last child, who only gets two for whatever reasons are determined that that child should get the least. I think that's what we are seeing happen in Canada today by the number of select groups that are being identified across the country.

MR. CHAIRMAN: I hope you don't include the select committee. That's just a name.

MR. PROCTER: I don't think you have any candies yet.

MR. CHAIRMAN: That's only a name.

MR. PROCTER: That's right.

I think what you do by doing that and by having select groups is that you have at least, in the case of the children, nine unhappy children and probably 10, because even the 10th child will feel that there might have been a reason that he should have got more than the maximum number he did get.

We have also seen a tremendous amount of concern in many parts of Canada for the select status that is talked about for the province of Quebec. Many people feel that if Quebec does have select status, it should be afforded equally to the provinces across the country.

There is a certain amount of discussion on native self-government and native groups having their own judicial systems across the country. I personally feel that there is some strong potential for Indian reservations and Metis colonies achieving municipal government status. They are designated in certain areas of land similar to other municipalities such as IDs and MDs and so on across our province. So I think there's great potential there, but I would suggest that to take that special government status to a higher level – i.e., provincial or federal levels – in any way whatsoever would again be unfair to the rest of the people who abide by the provincial and federal rules in our country.

In regards to individual groups having the right to their own judicial systems, again I feel that would lead to a feeling of select status being endowed upon one specific group in the country. Surely if we are going to tie this country together as one country, we must all abide by the same rules, and this must apply to English Canadians, French Canadians, Ukrainian Canadians, and any other ethnic group as well as to our aboriginal groups. The only way I feel that we can work together as a team for the betterment of our country is if we all play on a level playing field.

I read with interest the submission to the Select Special Committee on Constitutional Reform from the Alberta Multiculturalism Commission dated June 17, and I quote from the conclusion of their report in the last paragraph: "We are attempting to ensure that every Albertan has an equal opportunity to pursue his or her hopes and dreams." I feel that certainly the key word in that sentence is "equal." By attempting to entrench special rights or special status for any group or groups, you destroy the concept of equal opportunity entirely and, I feel, create nothing but divisive feelings across our country.

With that I conclude. I thank you very much for the opportunity to present to you in Peace River and for your consideration of my comments. Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you very much.

Questions or comments? Yes, Bob Hawkesworth.

MR. HAWKESWORTH: First of all, we're glad to be here with you in Peace River. I'm sorry we can't stay longer to enjoy the town. So thanks for having us and inviting us.

Were you in the audience a little earlier when I asked a previous group that came forward to speak in support of a distinct society clause in the Constitution for Quebec . . .

MR. PROCTER: I came partway through.

MR. HAWKESWORTH: Okay. Can I take it from your comments this afternoon that you wouldn't accept any recognition in any way in the Constitution of some, I guess for want of a better term, uniqueness or distinctiveness, of Quebec being somewhat different from the rest of the country in its laws or in the use of French inside its borders?

MR. PROCTER: I guess I could respond by saying: do you think Quebec is the only part of the country of Canada that is unique? I don't think it is. I think that the Peace country is unique; certainly when you get into the Northwest Territories and the Inuit country it's very unique. You've got to be very careful. I would have some difficulty.

5:05

MR. HAWKESWORTH: In the interests of trying to achieve some kind of constitutional accord or unity, would you feel strongly about the point of view that under no circumstances should Alberta or any other government sort of go towards recognizing Quebec in some way as a distinct society in order to maintain Confederation with Quebec as a member? Is this something you feel so strongly about that you would, for example, perhaps have Quebec part company with Canada as opposed to making that kind of a recognition?

MR. PROCTER: That's a tough question. I think, as I stated in my presentation, that if you want to get everybody feeling that they're not being discriminated against or discriminated for, the ideal solution is to get that level playing field.

MR. HAWKESWORTH: And I agree with you on that; that's right. I think we're trying to grapple with some dynamics here that were created with the Meech Lake accord, and I'm not sure how to find our way out of them in a way that perhaps satisfies two fairly polarized positions in the country. I don't know what the common ground is here.

MR. PROCTER: I don't either. There's no doubt in my mind that I want to see this country retained as it is today for as long as possible, forever. The toughest thing of all is to get everybody feeling the same way without feeling that people are being given special status.

MR. HAWKESWORTH: Fair enough. Thank you.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: What if the trade-off will be special status for Quebec, using Joe Clark's terminology that special doesn't mean better; it just means they have different needs? What if there's that on one side in return for a triple E Senate? It may come down to that kind of thing, where everybody will get something that they really, really want.

MR. PROCTER: If Joe Clark says that special doesn't mean better, why does he have to use the word special?

MRS. GAGNON: Maybe he should say: different status, unique. You see, any word you use is fraught with other people's connotations of what it means. I mean, I've heard him say – or at least I heard him on the news – that special did not mean better; it just meant that they had different needs in some ways, in culture and language.

MR. PROCTER: Well, I think, again going back to what I said before, that there are all sorts of parts of this country that have special needs. We see it in our area with the agricultural community, we see it in the north, and so on. I don't think that's unusual. But be very careful in the way it's done.

MRS. GAGNON: I do think it'll come down to that, the trade-off – I hate to use the word – special status maybe in order to get the triple E Senate. I don't know. I mean, those are going to be the tough, bottom-line things, but we're facing them, and we want to hear what people have to say.

MR. PROCTER: For sure.

MR. CHAIRMAN: Well, it's a dilemma all right. I think Mr. Clark was really resurrecting the distinct society rather than special; I think that was the terminology he was using just recently. Of course, several of us sitting around this table voted in favour of that and went through an election after having voted in favour of it. Quite frankly, it wasn't until Mr. Bourassa used the notwithstanding clause that many people became concerned that distinct society meant special status. We can go back and argue the whole issue again. That's not our intention; our intention is to hear from you.

Let me tell you that we're hearing mixed signals. The work of this committee is a real challenge, because we're getting everything from the point of view which says – and this hasn't been frequent – that we do not need any provinces, that all we need is one strong central government in Ottawa. On one hand, somebody's telling us that, and on the other we're having people say to us, "Well, we need a western Canada separate"; a separatist, in other words. So between those two points there's a lot of ground, and we appreciate your frankness in putting your views before us.

MR. PROCTER: As you are no doubt aware, we have a marvelous and a strong French community very close here, St. Isadore and Falher and McLennan and Girouxville and so on, who are very much a part of our province, very much a part of our community in this part of the world, and to my knowledge they aren't specifically wanting anything special.

MR. CHAIRMAN: No, but the brief which we received from l'Association Canadienne-Française de l'Alberta Régionale de la Rivière-la-Paix said that a special status for Quebec is what they would recommend. So it's a dilemma for us.

MRS. GAGNON: But in the area of culture and language only I think they said.

MR. CHAIRMAN: Yeah, I know, but even so you throw those words out there. It's a tough one for us.

Yes, Dennis. Did you want to get in?

MR. ANDERSON: Yes. Mayor Procter, good to see you again. I just wanted to clarify. You did mention that you believed in distributing equally, and you used the analogy of candies and so on. How strong do you feel on that "equal" when it comes to the Senate, for example? Is that equal representation in the Senate from each province? Is that something you strongly believe in and feel that we shouldn't compromise on? How much room do we have there?

MR. PROCTER: That would certainly be, from my point of view, the ideal way to do it. Whether that will be successful from the eastern point of view, of course, is going to be the subject of a further debate. So that's the way I would like to see it, yes.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Well, thank you very much.

MR. PROCTER: Thank you.

MR. CHAIRMAN: Good luck in your responsibilities as mayor of this fine community. It's good to be back again.

Mr. Neary.

MR. NEARY: Thank you, Mr. Chairman and ladies and gentlemen. I had a call this morning from a lady named Carol Wilson in Grande Prairie, and she said she had an engagement here this afternoon and couldn't make it. We talked briefly about the items she wanted to discuss, and I said I'd bring them up even though some of them I didn't agree with. Then, if you don't mind, I'd like to get on to my presentation. It's not terribly long on this occasion; it's much shorter than my previous one.

5:15

Mrs. Wilson stated that she believed in a strong central government which would provide standards in education, medicare, and particularly – and she mentioned this very strongly – the environment. She didn't think it was possible to have such standards without a strong central government. It is on that point that we disagree, because I think it's very possible to have national standards without a strong central government.

Her second point was multiculturalism and bilingualism. I will say a few words about that in my presentation because we are in fact in agreement with the discussion that went on this morning.

Her third point was that native people must be dealt with fairly in land settlements but not given any special status as, say, a distinct society; rather they should be dealt with as equals.

The fourth point was Quebec. Her question was: what more does Quebec want? It has many rights now not afforded to other provinces. She said that she would rather see Quebec stay in Confederation, but if that is not possible and they decide to leave, there's not much we can do about it. It should not, however, be given special status to stay in Confederation.

That was the gist of our discussion this morning, Mr. Chairman.

Now if you will, I'd like to move on to my comments. I believe you do have a copy of my presentation before you. Let me commence by commending the government on its decision to extend these very important hearings to several smaller communities in Alberta. I think this reflects a genuine desire on the part of the government to hear from as many Albertans as possible on the matter of great concern to all Canadians, and that of course is our Constitution.

Several months ago in Grande Prairie I made a presentation that covered 10 very important areas which, in my opinion, should be included in the new Constitution. I do not propose to repeat all those points. Instead, I would like to concentrate on one or two areas of great importance and perhaps briefly mention some other points.

I believe that Canadians do not want another Meech Lake fiasco, but in spite of this Prime Minister Mulroney is apparently prepared to ignore the people of Canada once more and travel down that same treacherous road to Meech Lake 2. On June 24 last at the Saint-Jean-Baptiste Day celebrations in his home riding he said that his plan to save Canada would be similar to that of the Meech Lake accord only bigger. He is advocating a repetition of that sad period leading to the failure of Meech Lake, and Canadians are going to be subjected once more to insults and humiliation by some politicians who believe that it is their God-given right to draft a new Constitution for Canada. They have no such mandate to do that, and after the Meech Lake fiasco few Canadians trust our politicians to do that job.

Therefore, I submit that a constituent assembly is the proper body to write a new Constitution for Canadians. The constituent assembly would be composed of an equal number of delegates from each province, elected by the people for the sole purpose of drafting a new Constitution. The delegates' mandate would be to hold public hearings across the country and then draft the new Constitution based on what Canadians want, not just what politicians want. This would be followed by a binding referendum.

Executive federalism is dead in Canada, and in my opinion it is time to move on to a more democratic system of dealing with such matters of national concern. The constituent assembly should, in my opinion, be able to complete the hearings and draft a new Constitution within 18 months and then present it to the Canadian public for ratification, say, within six months thereafter.

A recent poll conducted – it was in May, by the way – showed that 68 percent of Canadians outside Quebec favoured a constituent assembly to solve the constitutional crisis and that 57 percent of Quebec favoured the idea. This is not a new or revolutionary idea. It has been used in Spain, Australia, and the U.S.A., and I believe in the Philippines. The principle of a constituent assembly is supported not only by a large majority of the people, but it is supported, as you know, by Premier Wells of Newfoundland; the Reform Party leader, Preston Manning; Ontario Premier Bob Rae; the Canada West Foundation; and many, many more.

Now, the Alberta government has a golden opportunity, in my opinion, to take some positive steps to initiate the principle of a constituent assembly in Alberta by drafting enabling legislation and calling for the election of, say, 10 members to represent Alberta. This would put Alberta in the forefront once more, as indeed Alberta was and is in the election of the first Senator in the country. This will take courage and foresight on the part of the Premier and the government, but I believe that this government has that courage and foresight to proceed in this direction.

I would now like to turn to another topic that has been discussed by others and I am sure will be discussed again, and that is the recall provision. I propose that a recall provision should be included in the Constitution which would provide for the removal of an elected official if a sufficient number of electors petitioned to declare his seat vacant. This number should be such as to make it difficult but not impossible for an individual or group to mount such a challenge. I would suggest that this number be set at, say, 25 percent of the number of votes received by the incumbent at the last election. This provision would give the employer – the constituents, in other words – the ability to fire the employee; that is, the Senator, the Member of Parliament, or the MLA as the case may be. It would also make the member more accountable to his constituents and less accountable to the party or the leader. The essence of democracy is that the people have, in effect, a direct voice in their everyday affairs, not just every four or five years, whenever an election is called.

The controversial issues of bilingualism and multiculturalism should be re-examined in light of the amount of opposition that has sprung up all across this country in the past few years. For instance, multiculturalism takes millions of dollars from people who call themselves Canadian and gives it to those who do not regard themselves as Canadian or at best regard themselves as hyphenated Canadians. It forces millions of Canadians to contribute to the support of cultures other than their own. The Economic Council of Canada says that multiculturalism demands too much adjustment by Canadians and too little by immigrants. Immigrants should take more responsibility for fitting into Canadian society, and unless this process is encouraged, Canada will always, in my opinion, have an identity crisis. Attacking and destroying our traditions, such as the RCMP uniform, will do nothing to further unify and harmonize this country.

Official bilingualism should be reviewed, and I would submit that language rights should be a provincial prerogative and should be enshrined in the Constitution as such. In a free country the people should not be penalized for posting a sign on their property in their own language.

I submit that our immigration laws do not reflect the will of the people, and therefore the people must be consulted through a referendum on what the people of Canada want. Perhaps we should ask the question: do we need to admit hundreds of thousands of immigrants every year into Canada? If the problem is zero growth in population, perhaps we should be looking at ways to increase our present population from within and thereby avoid the inevitable strife and disintegration of this nation as a result of the deterioration and collapse of our institutions and traditions.

There are so many other areas I would like to speak about, but time does not permit. However, I would just briefly mention a few.

Referenda. The principle of referenda should be included in our Constitution, and the provincial government should move swiftly to re-enact the Direct Legislation Act of 1913 or something similar which would give Albertans the right to initiate and enact laws by popular democracy.

The amending formula must not place our country in a straitjacket such as that proposed by the Meech Lake accord, and no province should have the right of veto.

Property rights must be enshrined in the Constitution. It is not good enough to say that property rights are still protected by common law or even by provincial legislation. Why was the principle of property rights not included in the 1982 Constitution Act? Was it because Prime Minister Trudeau and Ed Broadbent got together in the back room and decided it shouldn't be? Some say that was the case. In a free society it is imperative that the right to own and enjoy private property is without question protected, because if it is not, it is senseless to talk about other rights. It is the basic right upon which all others stand or fall. Aleksandr Kerensky, who was Prime Minister of Russia for a brief period in 1917 before he was toppled by the Bolsheviks, said that the ownership of private property is the most important of all human rights. We only have to look at Russia and other Communist countries to see what happens to a country and its people when the right to private property is denied.

Spending by governments must be controlled by the people, and since governments have failed miserably in this area, it should be part of the Constitution with appropriate penalties to those governments who fail to balance their budgets.

5:25

The Senate must be reformed. The triple E Senate is the only equitable solution. Any other proposals, such as one that would be elected only and not equal and effective, should not be considered.

The Supreme Court must represent all provinces equally, not just Ontario and Quebec primarily. I would suggest that the provinces have the right to name and appoint members to the Supreme Court, again, of course, enforcing the principle of equality of provinces.

Finally, Mr. Chairman, I would suggest that a thorough study of the Swiss system of government be made by this committee because I'm sure you'd find it very revealing and very interesting.

Thank you.

MR. CHAIRMAN: Thank you.

Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Neary, were you aware that at one time Alberta had recall legislation?

MR. NEARY: No, I wasn't.

MR. HAWKESWORTH: You might be interested in what happened after . . .

MR. NEARY: Yeah, I would be.

MR. HAWKESWORTH: It was introduced by the Social Credit government in 1936 and repealed in 1937.

MR. NEARY: Thank you.

MR. HAWKESWORTH: As a matter of interest, Mr. Aberhart was the object of the first recall petition, and he recalled the Alberta Legislature to basically repeal the Act.

MR. NEARY: Apparently, in some people's estimation that would be sufficient reason to repeal it.

MR. CHAIRMAN: In any event, that's a matter of history, as you mentioned.

You've made your presentation before, and some of the other members of the committee have had a chance to chat with you about it. This is not entirely facetious: would we be able to recall the politicians who would be elected to the constituent assembly?

MR. NEARY: That's a good point. It would only be an ad hoc committee, as it were, and it would be for a certain period of time. So I don't think the principle applies that I've applied to the other situation.

MR. CHAIRMAN: I still have a little trouble with the notion that once you elect somebody to anything, they're automatically politicians.

MR. NEARY: No, we don't need politicians on the constituent assembly.

MR. CHAIRMAN: But as soon as somebody is elected, they're politicians. It doesn't matter how you cut it or slice it; they're still politicians. Once you're elected to a school board, a hospital board, a city council, a Legislature, a constituent assembly, or whatever, you have to carry out a political responsibility.

MR. NEARY: In the broad sense you're right, Mr. Chairman, yes.

MR. CHAIRMAN: So that's a dilemma I have. Anyway, I appreciate your views.
I'm sorry. Gary.

MR. SEVERTSON: I would like to ask a few questions on the constituent assembly aspect of it. We've used that term a lot, but the description of it varies greatly. You mentioned an equal number of delegates from each province. I have difficulty in thinking that Quebec and Ontario, with their numbers in the House of Commons, the ratio, would be willing partners to have a constituent assembly with equal numbers from, say, the province of P.E.I., with about 130,000 people, where they have 10 representatives and Ontario and Quebec each get 10.
Another question on that is on a referendum. Would you say a simple majority across the country or a majority in each province?

MR. NEARY: I would say a simple majority in each province and two-thirds of the provinces voting.

MR. SEVERTSON: You say a simple majority. Cross-country or each province?

MR. NEARY: In each province, and then a majority of the provinces. Say two-thirds of the provinces would have to vote to implement any changes to the Constitution.

MR. SEVERTSON: Then I take it that again Ontario and Quebec, which have over 50 percent of the population, could vote against the referendum.

MR. NEARY: It wouldn't change anything. You haven't followed me.

MR. SEVERTSON: Well, you said two-thirds of the provinces.

MR. NEARY: Two-thirds of the provinces as provinces. There are 10 provinces. Two-thirds of the provinces voting for the constitutional change would implement the change.

MR. SEVERTSON: Yes. So Ontario and Quebec could vote in a block.

MR. NEARY: It wouldn't matter which way they voted as long as seven other provinces voted for it.

MR. SEVERTSON: In other words, you think those two provinces would go along with that type of constituent assembly, I guess.

MR. NEARY: That's a good question, and that has been our dilemma since Confederation: the overwhelming population in those two provinces. As we all have seen, it hasn't really worked.

MR. SEVERTSON: No. I'm just wondering how you could get those two provinces to agree to something like that.

MR. CHAIRMAN: Okay. Dennis.

MR. ANDERSON: Tom, just following on the chairman's questions to you, would you exclude politicians from possible election to the constituent assembly?

MR. NEARY: I would exclude sitting politicians, yes.

MR. ANDERSON: So you wouldn't exclude those who have run for office and lost?

MR. NEARY: No, certainly not. They'd have the same right as anyone else. But sitting politicians, there could be a conflict of interest there.

MR. ANDERSON: Could you explain that conflict of interest for me?

MR. NEARY: Well, sitting politicians, say from the Reform Party or from the New Democrats, would certainly have an agenda, and they'd be pushing for that agenda. Or from the PC Party, the Liberal Party, or any other party, they'd certainly have an agenda, their own agenda, and they would be pushing that rather than the people's agenda.

MR. ANDERSON: But wouldn't my opponent who ran against me in the last election from the Liberal Party have that agenda as well?

MR. NEARY: His or her agenda, certainly.

MR. ANDERSON: It was "her." Thank you.

MR. CHAIRMAN: Okay. Thanks very much.
Barrie.

MR. CHIVERS: I just wanted to pursue that last point a bit, Tom, because I tend to agree with Mr. Horsman's comments earlier on with respect to this distinction between being a politician and not being a politician. It's very fuzzy for me, and one of the reasons it's very fuzzy for me is that I don't think it's that easy to eliminate people who might have a political agenda. For example, a leader of the New Democratic Party, in the sense of being president of the party and not being an elected member of the Legislature or the federal House of Commons, would be free under your proposal to run. Members of other political parties would have just as clear political allegiances, perhaps even more so, than elected officials and yet they'd be free to participate in your system. Other people who are simply ordinary members of political organizations have political agendas. People who aren't members of political organizations have political agendas; I'm thinking of interest groups. It seems to me that to make a distinction based the way that you do is entirely unworkable.

MR. NEARY: It's a valid point, but I do believe that sitting politicians should be excluded from this exercise.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Well, thank you. You've made your point, and you've put together your thoughts very clearly.

MR. NEARY: Thank you very much, Mr. Chairman. I was thinking that perhaps you wouldn't let me speak since I had already spoken in Grande Prairie, but thank you for the courtesy.

MR. CHAIRMAN: I don't want anybody to think that we won't let people speak at this meeting. That's obviously the reason we're back again. Thank you very much.

Good. Well, Donald Norheim was going to present at 7:15, but he's here now and we shall hear from him.

Welcome.

MR. NORHEIM: Thank you very much. I note that the room has cleared out. I hope that's not in anticipation of my comments.

MR. CHAIRMAN: Well, what we're finding, of course, is that people who do come make their views known and then they leave. It's a sort of circulating flow of people.

MR. CHIVERS: The chairman didn't announce that you were coming next.

MR. CHAIRMAN: No.

Well, welcome.

MR. NORHEIM: Thank you very much for letting me speak. Mr. Chairman, I had written you when it first appeared that you weren't coming to Peace River, and I asked you to come. So I thank you for that as well. I don't have a lengthy presentation, but I do have a few points that I would like to make.

I'd earlier provided you with a letter, and I don't know if that's been provided to the committee members or not.

MR. CHAIRMAN: I don't think we have it with us today, but it is part of our material obviously.

5:35

MR. NORHEIM: I actually do have copies. I don't know if I had enough made, but I have had copies made. I will basically follow that.

The first point that I would like to make – and I'm not going to go into a lot of depth because I'm not sure that this process would really allow you to deal with it in a lot of depth. But the first position I'd like to make is that I think it's legitimate for Quebec to seek greater authority in its own House. I think that in the upcoming round of constitutional discussions Alberta should support Quebec, but the cost of that support should be that whatever is granted to Quebec applies to Alberta. I think we are a confederation, a confederation of provinces rather than a country that is made up without the individual provinces or many countries that make it up. I do strongly feel, as I've heard said several times in the short time I've been here, that it would be a mistake if we went with the current idea of special status. I don't think it matters whether you call it unique status or special status. I think there is a very basic principle to democracy, and that is that in a democracy everyone has the same rights, that because of your colour, your religion, or your background, you don't have better rights than the other person.

I think what we've seen in the last few years is a development of some myths. First of all, there was the myth of two founding races, which, just looking at the names at this table, I think we can all agree is a myth, certainly in western Canada. There are not two founding nations; there are a number of them. We're now seeing the developing myth of three founding nations, which are the French and the English and the natives. That is as much of a myth as the others. This country is made up of a very diverse base of people, and if we continue to dwell on where people came from or when they got here, we're never going to build a country. We've got to deal with the fact that we are here as Canadians and we all have the same rights. I think we've lost sight of that when we're talking about giving Quebec what they want. They want the recognition of distinct categorization.

I would submit, Mr. Chairman, that rather than give them a symbolic phrase in a Constitution, you will secure the long-term benefit of this country and secure the continued existence of this country if we develop a Constitution that allows the individual provinces and the people within those provinces to develop and to control the things they legitimately ought to control. I think what we have to do is see that the government is reduced as far as possible to the local level. Really, there are very few things in a country such as Canada that the federal government should be doing. I think the problems of keeping a country such as Canada together are in many ways parallel to the problems that we're seeing happening in what used to be the Soviet Union. It's just a very big and diverse country, and you can legislate or dictate that they're all going to think the same way or have the same standards, but it just doesn't face the reality that exists.

I think a greater chance of securing the long-term continuation of this country is if you allow the democratic process to develop to its fullest. It's far easier for a person to participate in municipal politics than in provincial. You're going to obtain a larger percentage of public participation in municipal politics than you are in provincial just because of the nature of the system; likewise, from provincial to federal. I think that in the next round of discussions an attempt should be made to see that democracy is really carried forward as far as is practical.

I think that if you're going to keep a country such as Canada together, where you have a great imbalance of population in one area and a lot of resources but few people in other areas, if you don't put in something like the triple E Senate that has all the aspects of the triple E Senate, you're going to see a Constitution that again ends up serving the main population base, which this Constitution has up until this point in time and which, unless there is something like the triple E Senate in place, you can only expect. It's human nature to look after your own interests first, and central Canada has done that and we can only expect that they will do that in the future. If we allow this opportunity to pass without securing the triple E Senate, then I think we may have some peace in the short term in the sense that we can all go away and pat ourselves on the back and say that we didn't get Meech Lake through or didn't get this through but we now have a Constitution.

But unless that Constitution is fair and equitable and really does recognize the principles of democracy, which is equality of individuals, it will only be a matter of a few more years before we have further problems. If you entrench special privileges, whether it's to the French or to the natives or to the Ukrainians – it doesn't matter – then anything you give to them you take away from me, and I'm going to be envious. It's just that simple.

So those are my comments, Mr. Chairman. I thank you for the opportunity of being able to make them.

MR. CHAIRMAN: Thank you very much.

We'll have questions. Bob or Barrie, whichever one wants to lead off.

MR. CHIVERS: Maybe I could go first. Don, you make a very powerful argument. Your first argument is what I call the equity argument. It is a very compelling argument, and it's one that's difficult to disagree with. Basically what you're saying is that whatever rights are ceded to Quebec should also be ceded to the other provinces and all jurisdictions should be treated alike, and that is a compelling argument.

The difficulty I see is in applying that in practicality and still ending up with a federal government that's going to have any semblance of power whatsoever so that we can really call ourselves a confederation or a federal state, whatever. The other aspect of it that I'm undecided on myself is that it seems to me Quebec does make some compelling arguments that they have different realities and different circumstances. Although the argument of equality is that you treat alike situations in a similar fashion, their argument is based on a special status or unique status or uniqueness. It doesn't pertain across all the other provinces, in the sense, for example, that they do have a definable culture and they do have a definable language within Quebec. Certainly the majority language and the majority culture is overwhelmingly French.

In the other provinces – when you come into Alberta, as you pointed out, we have a multiplicity of ethnic backgrounds and we don't have that . . . Although we are an English-speaking province and there's a language identity there perhaps, ethnically we don't have that kind of uniformity and that sort of compulsion. I'm not convinced that Quebec doesn't have a special case for distinct treatment in that regard.

MR. NORHEIM: If I might respond. It's clear that their language is different from our language, but in various other things we are very different from Ontario and we are very different from the maritimes. I draw on what you've no doubt heard many times before, that they are distinct in some aspects and we are distinct in others. I traveled to Ontario this summer, and because I'm interested in these kinds of things, I talked with people from Ontario on "What do you think of the west?" and so on. Well, we're all the same as they are, yet when I travel in Ontario, I don't feel at home in Ontario any more than I feel at home in the eastern United States. Their views on most things are different than mine as an Albertan, and I think mine are fairly typical as an Albertan. Yet politicians and many of us are making the mistake of saying that because they speak French, they're obviously entitled to a distinct treatment. Well, they are distinct in that aspect, but if you can go through the whole list of things that make up distinctiveness, that's right, there's one that they win on, but there are any number of other things that make Albertans distinct from Ontarians. I think that gets lost and always keeps getting lost in the discussion.

So I'm quite prepared to say that they have a problem in preserving their culture and it's going to be a very difficult job for them to maintain it into the future. If the people of Quebec are prepared to support the politicians in maintaining that separate culture, fine; give the provincial government the right to maintain that, but give the government of Alberta the right to maintain the culture that its people have as its dominant culture, as well.

5:45

MR. CHIVERS: What I guess I'm trying to come to grips with is: what is that dominant culture in Alberta?

MR. NORHEIM: It changes. I think there's a lot of politics in saying, "This is the French culture." It's not. Two of my daughters have been educated entirely in French and have spent time in Quebec. We've had French students living in our home, and their view on what Quebec is is very different from what I hear, listening to the news. So you've got to realize, and I think we all realize if we're interested in politics, that certain things become popular in the media or you have a strong spokesman focusing on certain issues. That's what we tend to identify as being the French culture or the French question. But there are a number of French questions. I've seen, in talking with other people who seemed to be interested, the kind of expectation, "Well, if we'll just recognize their distinction, whatever that might be, that will make them happy." I don't think it will. I think we're deluding ourselves. Their dissatisfaction is an expression of the fact that they can't control their own destiny. I sympathize with them, and I think we should allow them to control their own destiny, but we should allow the people of Alberta to control their destiny as well.

MR. CHIVERS: Thanks.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Just along these lines, particularly point three. You talk about the decentralization of powers. Of course in Quebec with the Allaire report, there was not quite the total dismantling of the federal authority. I think there were four or five residual areas, maybe half a dozen, that were left to the federal government. I'm not sure that you're advocating quite that, but I'm wondering if you could maybe give us some idea of what category of things we should be considering under exclusive provincial jurisdiction and which ones federal, and whether you see some kind of joint areas of responsibility as well. Could you maybe expand on that point?

MR. NORHEIM: I think there probably will have to end up being more areas of joint responsibility, because I would advocate, really, delivering many and most of the traditional powers that we've given to the federal government to the provinces. I don't have a lot of disagreement with the Allaire report in general. I don't pretend to be an expert on it, but I did glance through it. I basically feel that it would be at least a reasonable starting point in discussions. I don't have a lot of problems with where they're coming from.

MR. HAWKESWORTH: Maybe just the corollary after that point, point four, about the triple E Senate. Many people who have advocated a triple E Senate see it as a way of protecting provincial interests at the central federal level. If the federal government really only has jurisdiction over half a dozen areas and most of them have been turned over to the provinces in the Constitution, would you agree with me then that if that were to occur, the need for a triple E Senate doesn't disappear but its need diminishes greatly?

MR. NORHEIM: I think in a pure and perfect constitutional reform, perhaps, but history shows us that while Alberta owns the resources, we've seen the NEP come in and design to strip Alberta of its resources even though it's an area that constitutional experts had agreed was not a federal area in the past, and they've used their general powers to do it. So I think it remains important to have the provinces have a body which can defend the provincial interest on provincial matters.

MR. CHAIRMAN: That's an interesting point. You say, "on provincial matters." One of the issues that . . . I'm sorry if I'm jumping in, Bob.

MR. HAWKESWORTH: No, that's fine.

MR. CHAIRMAN: In trying to define the effective E – and as you know, I traveled across the country meeting with every government to try to talk about triple E Senate – the big problem came not on the equal, despite what some people think; it came on the effective E. That was going to be the most difficult one of all to resolve. While we never did complete our process or our report because of the collapse of Meech Lake, we were coming to the view that the effective E in the Senate should be very strong where it deals with matters relating to provincial issues.

MR. NORHEIM: Yes.

MR. CHAIRMAN: In an area where there are shared responsibilities, it should also be strong but maybe not as strong, and in the area which is solely federal – like national defence, let us say – it would be just suspensive or have a sober second look at matters which are solely federal in the Constitution. So that was what we were coming to.

MR. NORHEIM: Yes. I think that's a very good approach. I don't know if you ever gave a report on that, but I think that's a good basis to approach it on.

MR. CHAIRMAN: I'm saying we didn't give a report, no, because we didn't finish our work, but we were sort of coming to that general conclusion. I just thought I'd – because you mentioned that on provincial matters it needs to be there, to be very strong. In any event, we appreciate this.

I'm going to throw a question at you. One of the first things a reporter asked me the other day when we started up this proceeding again was: "What are we doing this for? Aren't Canadians just tired of the whole issue? They don't want to talk about this anymore, do they?" And I said, "Well, we've had so many hundreds of submissions, phone calls, et cetera." But you've been out talking to people. What are people telling you? Are they interested in what's going on?

MR. NORHEIM: I think people are, and I think there's a certain amount of apprehension out there. I didn't sit in throughout the entire afternoon, but I sat in for the last three or four presentations, and I think all of them are partly on in that there was a dissatisfaction with the way that Meech Lake was perceived as being negotiated in secret. There's always a concern, and I think anybody who watches politics realizes that politics is a matter of compromise and trade-offs, but a fear that if it's done in secret, there'll be key things that are traded off as a matter of political expediency, and a fear that that might happen. That's why I think you're seeing some interest in what you're doing here today and some desire of the public to remain involved, to keep letting you know what they think is important in Alberta from Alberta's perspective.

MR. CHAIRMAN: Well, thank you. It's helpful for us to know that, because obviously we do have people coming before us with specific issues and axes to grind. That's inevitable whenever there's a public hearing of any legislative body. But sometimes it's hard to grasp whether or not there's a general concern, and it's helpful to hear from you.

Yes, Yolande.

MRS. GAGNON: Yes, thank you very much. Yesterday we heard from a couple of bright young men that actually the economic situation was of more interest to most people, including Quebecois, than the constitutional question and that sometimes cultural and linguistic constitutional issues are being used by individuals who are seeking power and yet they're getting people off the main course, which is the pursuit of some prosperity, some growth, as long as it's sound, and that kind of thing. What would your reaction be to that? Is the economy and that kind of thing of more importance right now than constitutional issues?

5:55

MR. NORHEIM: I feel it's not that simple. I think that the basis of the revised Constitution, whatever that's going to be, is going to determine whether or not we have economic fairness and it's perceived that way. I personally think that if you give people the tools for a proper economic climate, culture will fall into the background. Of course, as you're aware, this is only my thoughts, but it's my perception that the people of Quebec are really desirous of running their own affair. If they are strong economically and confident economically, then they're not going to be requesting and always having this kind of insecurity about their culture. I think money gives you the option to develop a culture. Whereas if you don't have that, it's very difficult to actually develop a culture or to protect one if you're afraid of it dying.

MRS. GAGNON: Just secondly as a follow-up, what is it about arbitrarily drawn provincial borders which suddenly create an entity of people? You know, the borders of Alberta, Saskatchewan, whatever, were drawn up by some demographer not based on any entity, unless we've become one in the last 85 years or whatever. I guess I'm trying to grasp at this idea that because we are Albertans, we have unique needs and a common identity. But that's based on these artificially drawn borders, whereas in Quebec – they're not all homogeneous there at all; definitely not. They're also multicultural, but maybe more of them do have a common identity that creates an entity. I'm grasping with that idea that provincial borders are so important. We've heard the other thing, you know: get rid of them entirely.

MR. NORHEIM: Well, my view of history is that if you look at the nations of Europe, for example – and I realize that they're going to a common confederacy as well – basically the basis of recognizing the different countries is ethnic or cultural: you'd form a country where the French are, and you'd form another country where the Germans are. I think in Canada that has happened, but it's happened backwards. We've put the boundaries in place, but for the last 100 years our cultures have developed differently. You can only look at the political history of Saskatchewan and Alberta to see that even though to a large extent originally we were settled by the same people, very much the same mix, the course that has been followed by Alberta and Saskatchewan has been very different. I come from Saskatchewan originally, and when I visit my relatives there, their perspective on things and their approach to things are very much different than ours here. Even though we didn't start with these artificial straight lines, there have been communities developed within those lines that now really have their own interests and their own cultures. I know it's tough for Albertans to think of us as having culture, but we have a culture; we have a point of view and we have an approach to things that is different than the people in other parts of Canada.

MRS. GAGNON: I guess my concern is the danger of generalization, because maybe if we four sat down together for dinner, we would find out we don't have an Alberta view of things that is common.

MR. NORHEIM: Certainly. I mean, it's clear that within a society different individuals have different points of view, but I think you can see trends and approaches. An Albertan's approach, whether he's Conservative or NDP or whatever, is still a different approach than would be tried in Ontario or Saskatchewan. We have a different perspective.

MR. CHAIRMAN: Well, as a UBC graduate, I know that B.C. people have a different point of view. It always used to get to me when people would say, "Where are you from?" I'd say, "Moose Jaw." She'd say, "Oh, from back east, are you?"

Well, thank you very much, Don, for your very useful presentation.

MR. NORHEIM: Thank you very much.

MR. CHAIRMAN: The committee will now adjourn till 7:15, I believe.

[The committee adjourned at 5:59 p.m.]

7:22 p.m. **Tuesday, September 10, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I think we'd like to get the proceedings under way. We have a couple of presentations this evening. We heard from a number of people this afternoon. Since none of you were here this afternoon, I'll quickly introduce myself. I'm Jim Horsman. I'm the chairman of this select committee, and I'm the member of the Legislature for Medicine Hat.

Starting on my left.

MR. CHIVERS: Barrie Chivers, MLA, Edmonton-Strathcona.

MR. HAWKESWORTH: Bob Hawkesworth, Calgary-Mountain View.

MRS. GAGNON: Yolande Gagnon, Calgary-McKnight.

MS BETKOWSKI: Nancy Betkowski, Edmonton-Glenora.

MR. ANDERSON: Dennis Anderson, Calgary-Currie.

MR. BRADLEY: Fred Bradley, Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, Innisfail.

MR. CHAIRMAN: On my left is Garry Pocock, the secretary. I call John Sheehan.

MR. SHEEHAN: My name is John Sheehan. I'm a resident of Peace River. I've lived here roughly 10 years. I've got a few notes here that I'd like to express opinions on.

The framework and underlying principles of the new Canadian Constitution must not only formalize the relationship that binds Canada together but must lay the groundwork to develop an effective means of organizing our society for the benefit of all Canadians, present and future, while preserving the ecological integrity that supports all life. This must be clearly defined with no other provision given higher priority. Economic production must be regulated to meet the public's economic and social needs, placing greater economic and social good ahead of private profit while providing individual dignity, freedom, and human rights. This must be defined in a written Charter of Rights and Freedoms, in my opinion.

Freedom of information is also essential for public trust. It must be in the Constitution and apply to all federal, provincial, territorial, regional, and municipal governments and readily accessible to all members of the public without bureaucratic roadblocks. A charter of collective rights must also be included providing rights similar to those of the individual, making governments accountable to public groups. Canada must not continue to be controlled almost exclusively by only white, militant, business-oriented men for primarily their own profit, which brings me to the Meech Lake accord.

If the objective of the federal and provincial governments is to destroy the bonds that hold Canada together and allow even more rampant exploitation by foreign corporate interests, in coordination with the free trade agreement, of Canadian resources, including business interests and the consequential environmental degradation, then Meech Lake and Brian Mulroney's free trade agreement are what are necessary. The Meech Lake accord would transfer federal responsibility to the provincial governments, that are even less accountable for their actions, in my opinion. I believe that this would cause a very fundamental problem which would eventually lead to the disintegration of Canada by foreign and corporate interests being able to pick apart the provinces individually, exploiting resources for their own benefit.

National standards for education, health, and social services as well as a healthy environment must be guaranteed to all Canadians. There should be no internal barriers to mobility, trade, or employment. Negotiated aboriginal self-determination and territorial agreements should also be entrenched in the Constitution. However, constitutional reform is just the beginning of what is really necessary, which is to provide Canada with a positive outlook instead of the continual deteriorating process that now exists. Constitutional reform, even if successful and favourable to Canadians, will be hollow without fundamental changes and improvements to federal and provincial parliaments, to legislative processes, to the judicial and legal systems, to the electoral regulations, and to current political processes.

One objective of the Constitution should be to help provide direction for political motivation, which must be governed by the long-term interests of the biosphere of the planet in reference to Canada, not short-term personal or partisan interests which have too often motivated politicians. Such objectives should also be formalized in all forms of regulations that govern politicians.

Another aspect of political reform should be the restriction of campaign contributions and political favours to candidates or parties to a level at which favouritism, or the perception of favouritism, could not reasonably exist. Conflict of interest guidelines should be common for all governments of Canada to avoid improper practices by politicians or bureaucrats, or again the perception of such. These guidelines could include lengthy cooling-off periods after leaving government. Such measures, if scrutinized and agreed to in public hearing formats, could regain confidence in government by the citizens. One possibility for stimulating political motivation of long-term over short-term motivations, which is difficult in the current electoral system, would be to provide pension incentives. An example would be increased pension benefits for long-term performance of government programs that were beneficial to the country or province.

An existing problem with the federal/provincial parliamentary structure, in my opinion, is that the Prime Minister or Premier, though elected by only one riding, represents the entire country or province and has essential dictatorial powers if he so chooses. The Constitution should correct such a problem by mandating the PM to act as a facilitator, not a dictator.

Another problem has become obvious, an example being that a PM or a Premier provides preferential treatment for his own riding or province. In the case of the Prime Minister a situation has occurred that for the past 25 years, except for a year and a half, he has come from Quebec, and add to that $90 billion in transfer payments and approximately $90 billion in bilingualism policies and we've created a situation of extreme animosity that has come to threaten the potential disintegration of the country.

One possible suggestion to avoid such conflicts or perceptions would be to require that the party leader be selected on a rotational basis from different regions of the country or province. Another suggestion would be to have cabinet ministers selected by the Prime Minister in consultative agreement with a nonpartisan public committee based on their individual qualifications. Selection of such ministers could potentially come from all parties represented in the House or Legislature, based roughly on the percentage of the popular vote for the given party. On the surface the mixing of political philosophies may sound disastrous, but it couldn't be any worse than the changing of parties every few years that in some cases tear down the accomplishments of their predecessors.

Such a system could help resolve a number of existing problems, such as allowing for political representatives to work together for the common good of the country and provinces as opposed to short-term partisan personal interests, also provide a feeling of regional equality, which could help reduce regional dissension. Having more knowledgeable individuals heading ministries would lead to more public credibility, resulting in decisions being made, again, with more long-term interests. This would also place the emphasis on political parties to solicit candidates with knowledge and experience.

Such a system would also create something that resembles a democracy as opposed to what now exists: voting as infrequently as every five years. The existing system can be manipulated to an extent that it is, in my opinion, a disgrace to the principle of democratic representation; for example, after winning a majority government with, in some cases, as little as 40 percent of the popular vote, the Prime Minister or Premier and a small group of advisers and party elite formulate policy in secret and try to sell it by any means possible in some cases. In the beginning they implement all the unpopular and in some cases irresponsible agenda without any public involvement or input or without any justification. They can intentionally mislead the public without accountability and make the public pay for the secret agenda, then when an election is upcoming spend tax dollars on publicity for their programs, waste more money on unnecessary facilities in key ridings to hopefully get re-elected.

Is it any wonder that our country is in such a difficult situation?

7:32

Regarding political reform, the Constitution must entrench equal representation for both federal and provincial governments by designating ridings with an equal number of voters, plus or minus 5 percent. There are other ways for supporting low population areas, which is supposedly the reason for having less populated areas with greater representation, one of which would be to redesign the upper House to represent biogeographic regions with an equal number of representatives from each. Such a House could represent not only low population density areas but be responsible for protecting the integrity or helping to account for the integrity of ecosystems and indigenous lifestyles and resources within that particular bioregion.

I don't believe that a Senate should be based on the artificial boundaries as delineated by provinces, or in a government that only represents individuals and not the land and biosphere.

On a separate point regarding the judicial system, I believe that judges should not be appointed only by the governing party but by agreement with an all-party committee. The legal system should not be used as a device to win an action by attrition, as is currently the case. Whoever has the most money can frequently postpone and delay court cases to their own advantage. Those with less financial resources at their disposal don't have equal opportunity.

Another issue, I believe, is that Quebec, as in Lower Canada, is a distinct society, as are the indigenous peoples of Canada, and should have the opportunity to control the destiny of their culture. However, such a recognition does not include sovereignty or sovereignty association. In the case of Quebec financial assistance to maintain their culture should not be at the expense of the rest of Canada. However, in regard to indigenous cultures Canada has retribution to pay in a form that is agreeable to native people.

Canadian educational institutions and school boards bear a portion of the burden for the poor understanding and consequential intolerance of native and foreign cultures by Canadians. Little or no information was provided by most schools on Canada's indigenous cultures, little on French or on other cultures.

With the recognition of distinct cultures within Canada comes the responsibility of placing at least equal importance onto the unity of the country in general by the distinct cultures, for without Canada the ability to preserve these cultures from foreign and multinational interests does not exist. I believe that much of the dissention between Quebec and the rest of Canada exists due again to the inadequate methods in which the country and its provinces are governed along with the political manoeuvres and the partisan agendas of many federal and provincial governments. Language rights for natives, French, English, and other cultures should be enacted in the Constitution, but services should only be provided, in my opinion, to minority cultures where numbers and associated tax revenues warrant, unless special payment for special service arrangements were chosen by those particular groups.

The efficiencies of all levels of government must be another priority. Waste does not benefit anyone in the long term. Incentive must be provided to government and civil servants and public employees to operate efficiently, but essential public services should not be turned over to private interests. The government must have control over the country's resource base as an essential part of the ability to carry on the future of our country.

Civil servants must be protected to be able to account directly to the public and not only to the minister. It is wrong for a civil servant to be fired for telling the truth to the public when a minister can intentionally provide false information to the public without accountability. Government ministers and bureaucrats must be legally accountable to the public if they intentionally mislead, falsify information or documents, violate laws, or do not enforce regulations as they should.

The federal government should encourage joint ownership, joint benefit, and joint profit relations with labour and management. The purpose would be to develop more co-operative, efficient, and innovative business in Canada and avoid counterproductive labour confrontations. However, if labour are to bargain on equal grounds with management, which is necessary in such an agreement, the Constitution should accommodate the freedom to strike and picket. Also, right-to-work legislation should not be allowed. If a majority of workers vote in favour of having a trade union bargain on their behalf, such a union must represent all workers. Poor management practices result in poor labour relations, which benefits no one.

Until Canadians are given the opportunity to arrive at a consensus, we will continue to work at opposing purposes, as has been the case too frequently in the past. The Constitution has the opportunity to develop the framework to allow for the many necessary reforms I have mentioned and many that I have not had time to mention here.

Thank you.

MR. CHAIRMAN: Thank you very much. It was very comprehensive.

Are there questions or comments? Yes.

MR. CHIVERS: John, one of the recurring themes in your comments has to do with the protection of the environment. One of the concepts that's been placed by a number of presenters before this committee is the concept of an environmental bill of rights. I take it that that's what you're speaking of entrenching.

MR. SHEEHAN: Yes, I believe that would be a very positive step.

MR. CHAIRMAN: Yes, Dennis.

MR. ANDERSON: John, that was a very well-thought-out presentation. I'm wondering; you mentioned at the beginning a series of different dimensions of our society which could be included in, you said, the Charter of Rights. Now, the Charter of Rights means of course that the Supreme Court will judge whether or not that Charter is lived up to. Do you have faith in the judicial system to the degree that in all of those elements they would be able to make those judgments, that they would have the resources and the ability to do that?

MR. SHEEHAN: Well, it's no doubt a difficult task depending upon the challenges that would be brought towards it. I think one of the problems, as I mentioned, is that in the public perception judges aren't always operating in the best interests of the public but because of whoever appointed them may have political favours or whatever. So I guess there could be that concern entering into the issue as well. It would be difficult for me to estimate whether, you know, there are adequate facilities to be able to accommodate based on our present system.

Was there something more specific?

MR. ANDERSON: Would it be fair to say that your concern is that those items that you identified – particularly the environment but others that you identified – be addressed and dealt with by a government? The mechanism is not as important to you, or do you feel that the Charter is the place for those, and the legal process as opposed to the elected process is the right way to go?

MR. SHEEHAN: I think they should be in the Charter, but I think they should also be accommodated in other means and other formats as well. I think it should be one of the guiding principles for the political system as well as the judicial system and as well as laws adapted that would guarantee that a Charter of Rights and the bill of environmental rights would be protected and guaranteed and that if they weren't, the public would be able to challenge them through a legal means.

MR. ANDERSON: Okay. Thank you.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: I don't know if you're aware that the province of Alberta has instituted conflict of interest laws. I do sit on a committee that is now working out that particular Bill.

MR. SHEEHAN: I was aware that there was a process going on. I wasn't aware that they've actually been instituted.

MRS. GAGNON: Yeah. Well, the Bill has been passed. Now it's a matter of working out how it's going to function.

My question dealt more with competing interests. Yesterday in Edmonton we heard from someone who represents resource-based groups, and his bottom line was investment opportunities in Alberta, that taking into account the environment and so on, groups should still have the right to, I guess, come down on the side of investment opportunities. Now, you are saying that the bottom line should never be profit.

7:42

MR. SHEEHAN: No. I didn't mean to imply or have you perceive that it should never come down on the side of profit, but I believe that public interests – people in general, the environment – should be given priority over solely profit-based motives. Now, profit of course is an essential part of everything and one component, but it shouldn't be the top priority. It should be equal to but not above long-term public interests, which include the environment.

MRS. GAGNON: Good. I'm glad you clarified that, because maybe I was making it too extreme. Thank you.

MR. SHEEHAN: I kind of read through this quickly because I didn't want to take too much time.

MR. HAWKESWORTH: I take from your comments that you're fairly strongly in favour of many of the powers of the federal government that they currently are exercising through their spending authority or whatever . . .

MR. SHEEHAN: Or have and they're not exercising.

MR. HAWKESWORTH: Well, I sort of even take from your comments that you're speaking about strengthening the federal role in the life of the country, perhaps at the expense of the provinces. I was going to ask you: how do we square the circle or reconcile that particular viewpoint with what I understand to be some of the negotiating positions of Quebec? They would like to see more powers exclusively exercised by the provinces, certainly by Quebec, and a lessening of the role of the federal government.

MR. SHEEHAN: I myself, and I think most people, don't have a problem with Quebec being able to guarantee that they can exercise their culture however they want to. You know, I don't see it as a problem providing all of us in the rest of Canada don't have to pay for it. I think if we're going to have a country and, as I mentioned, if we're going to have distinct societies, whether they be French or native cultures or whatever, you have to have a strong federal government to be able to ward off other interests. I believe it is going to be a difficult situation to accommodate or facilitate a change in the provincial/federal power-sharing mechanisms. Over the past years the provinces have slowly gained more and more power and consequently can place more pressure on the federal government to absolve themselves, in some cases with the federal government's willingness to do that. That's one of the agendas of the current federal government, but that's not in the long-term best interests of Canada.

I believe there are certain powers provinces should have, but when one province is affecting the interests of another, for example, the federal government should have jurisdiction in terms of transboundary waterways or impacts that will affect other parts of the country or the Earth. I haven't thought out every particular aspect of it, but I think a strong federal government is essential. My concern is that currently many provincial governments have less stringent regulations than the federal government, so by giving powers of the federal government to provincial governments, the provincial governments, being in a weaker situation, eventually could be picked apart. I'm not saying it would happen today or tomorrow but over a period of time. Maybe given weaker governments in the provinces without the ability and expertise and resources at their disposal, the country would eventually cease to exist as we know it today.

MR. CHAIRMAN: Thank you very much, Mr. Sheehan, for your presentation.

MR. SHEEHAN: You're welcome. Thank you.

MR. CHAIRMAN: We'll call on Dorothy McCallum.

MRS. McCALLUM: I understand I have 15 minutes.

Ladies and gentlemen of the constitutional reform task force of Alberta, I am here tonight because I am very concerned about the future of my country and the role Alberta will play in this change. In this particular situation I do not come in a partisan capacity. My name is Dorothy McCallum. I'm 50 years old, a farm wife and sometimes substitute teacher. Other information I'd like to share with you is that I was a foster child and grew up in my earlier years in a predominantly French-speaking community and in my teenage years in a predominantly English environment.

Like most Canadians, I agonized over Meech Lake, Oka, and the Gulf war. Meech Lake turned my soul inside out. I think it brought into full view the very deep and sensitive problems we have in our country and still have not resolved. I don't think any one person can be blamed for the demise of Meech Lake. Clyde Wells and Elijah Harper acted as lightening rods for public sentiment. As governments, we're not listening to them. Here was an example of big boys in a back room deciding what was best for Canadians and trying to push the accord through regardless of public furor.

Oka and the stand our native people took to assert themselves as a people worthy of dignity was long overdue. I hope it never happens again. During that long, hot summer I had visions of civil war in Canada. What a legacy that would have been for Canadians. I'll ask you a personal question: if you had the choice to be born in any racial group, would you have chosen to be born Indian in Canada? If not, why not? Oka was about pride and dignity. Let's work fairly with our native groups and honestly strive to give them their rightful heritage. We owe them.

Canada's involvement in the Gulf war had an unreal quality about it. I couldn't believe that a so-called enlightened society would allow this to happen. We were back to fighting like kids in a school yard where the big bully comes out the winner. I'm glad we supported our troops, but I question the motives for the war. Were they economic ones, or was it really to establish a new world order?

The question that concerns me most today is the possibility that our country might break up into fragments brought about mainly by Quebec's threat to separate. Do we hang on to what we've got? Why should we? We can maybe strengthen our cultural heritages and become a more international country. After all, is what we've got worth preserving? Yes, it is. Yes, it is.

7:52

I think many Albertans want a united Canada but not to the detriment of the province. We want a strong Alberta too. Many westerners have long felt that Quebec has pulled muscle on the other provinces, and to add insult to injury, they impose learning of the French language. This sentiment is a reality. I can appreciate that even though I don't agree with it. Quebec is definitely significant and important historically. We need Quebec and we want Quebec. What we have is a war of words. If the will to stay together as a province is there, Quebec and the other provinces will have to agree on a word that is mutually acceptable to all parties without any loss of dignity.

My perception of Canada has always been in terms of the English and the French fact. To be truly Canadian you had to belong to one of these two groups. But another era was ushered in after Meech Lake. It wasn't just the English and the French anymore; it was all of us. It is important to recognize the many diverse cultures in Canada, particularly the native people, in this mosaic. This recognition of diverse cultures distinguishes us from other countries, but to survive as a country, we need to promote our Canadianism more.

In preparing for this presentation, I talked to several people, asking them what they thought about Canada and the Constitution. I was told they were not interested in politics or in politicians. I asked how as citizens we could make things better. They said, "Politicians just do what they want and do not listen." I sensed anger and a great deal of frustration in their answers. Today political, religious, and educational institutions as we knew them are crumbling around us. People are disillusioned. I do believe times will change. We have to come to terms with the fact that our leaders are not perfect. Leaders have to show they are working for the common good of all citizens. Most important of all, leaders have to have integrity, a characteristic we need to recognize and nurture. I believe the creation of a constituent assembly would address the needs of those citizens who distrust only government input and feel grass roots should be heard too. I believe in a triple E Senate, equal, elected, and effective.

I think that politically, as a province and a nation, we are too partisan, choosing to tear each other apart rather than trying to work together for our mutual benefit. The procedure Canada adopted in 1982 to amend our Constitution is a fair one, and we should keep it. Education can play a big role in bringing our country together by developing greater racial tolerance and leadership training. The media also has a role to play. It needs to develop a social conscience. We have to build a strong province and country, not take it apart. There's a lot of work to be done by all of us in this new Canada. Yes, we have to think about what it means to be a Canadian. There is a tug at my heartstrings when I think about the possible breakup of Canada as I know it, and I'm sure there are many who share this sentiment with me. I think it's time to return to simpler times when one's duties were to God, one's country, and treating one's fellow men with dignity.

Thank you.

MR. CHAIRMAN: Thank you very much, Mrs. McCallum, for your heartfelt views. Did you get an opportunity to read this document, Alberta in a New Canada?

MRS. McCALLUM: Yes, I did.

MR. CHAIRMAN: We tried to pose in there the questions without giving answers. I hope you found it useful in terms of trying to focus on what we are thinking of. I think you probably touched on a number of the questions we posed there.

MRS. McCALLUM: I tried to, but I decided to make this more of an idealistic presentation than a pragmatic one.

MR. CHAIRMAN: We appreciate that very much. Not everybody is a constitutional lawyer, and we don't want to try and turn everybody into a constitutional lawyer either, although by the time we're finished the process, maybe most Canadians will be. In any event, we appreciate your thoughts.

Questions or comments? Yolande.

MRS. GAGNON: Dorothy, I really appreciated your presentation. There's a lot of spirit there, and maybe we need more of that. I know you don't want to get into a lot of detail, but did you think at all of the constituent assembly and how one would arrive at choosing delegates? Who would it be accountable to, and would its findings be binding on anybody? You know, these are the questions we keep asking ourselves. How would you select people to attend a constituent assembly, first of all?

MRS. McCALLUM: If I were doing it and to find a solution, I think community leaders are often a good source, or citizens of good standing within a community. I think often by just going into communities, you can quickly find out who the ones are that people respect, their opinions and maybe how they live their lives. I think communities would be a good place. I also think that within political parties you get to know who the people are that would be fair and just in what they decided, maybe very good party members from various political parties.

MRS. GAGNON: Would these people be elected by the population at large or selected by political leaders, appointed by the Premier?

MRS. McCALLUM: Well, it depends on how you would use a constituent assembly, if it would be like a sounding board the politicians could tune into. In the case of Meech Lake, where a lot of people weren't being listened to, if we'd had a sounding board or if people had felt that maybe there was a place they could go to to air their grievances and people in power could listen to them – you know, if people out there were saying to this committee, "We're not happy with it" and there were a lot of people saying that, I think that definitely would have a bearing on what politicians do. It would certainly keep their ears to what the grass roots is saying.

MRS. GAGNON: So you would see the constituent assembly as an advisory group more than a group with binding recommendations.

MRS. McCALLUM: Yes, I would, more as an advisory group.

MRS. GAGNON: Okay, thank you.

MR. CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. Dorothy, you mentioned several times in your presentation your concerns about the threat of Quebec to separate. You may not be aware, but we're going to be meeting in Calgary with Mr. Parizeau, the leader of the Parti Québécois. I for one fully expect he's going to convey a message somewhat along the lines: let my people go. If you were able to be there, what would you say to Mr. Parizeau?

MRS. McCALLUM: I think it would be such a shame. I really feel torn, because I grew up in the French-Canadian culture and I really appreciate French people. They're a lovely people. I think if you look at the populace out there, the people like myself, they're really not into the political game or the media or even the papers. I'm sure there are a lot out there that really want to hold our country together.

When Meech Lake came along, I was so angry, because I was a westerner and I can appreciate how westerners feel. I live with them; I talk to them. You read the paper; you understand that. I got angry, and I kept saying: "Why should Quebec be a distinct society? We're all distinct. What makes one more distinct than the others?" Then I thought about it some more, and I think I'm past that now. I got past that somehow, and I thought: My goodness; if Canada breaks up, that's not the answer. We've got to come to a meeting of the minds with Quebec where they feel we appreciate them and they appreciate us too. We've got to start liking each other. I think that's what I would say. No, we don't want to give them up. I don't want to give them up, and I hope they don't want to give us up either. I mean, we're in it together. We're Canadians.

8:02

MR. CHIVERS: Thank you.

MRS. McCALLUM: I'm sorry. I didn't mean to . . .

MR. CHAIRMAN: That's quite all right. Nancy Betkowski would like to pose a question as well.

MS BETKOWSKI: It's really on the same line. I agree with you in many ways; what we have is a war of words. In fact, someone said that if we could find the language, we'd probably win the constitutional issue, because we could find the words that would be acceptable to Canadians. It's really following up on Barrie's question. If the cost of keeping Quebec in Canada is to give them a special status or recognize their distinctness, could you live with that?

MRS. McCALLUM: I think the one word is like a red flag to a bull, and that word is "distinct." It seems that if it's used, then you've got the last word type of thing, and that bothers me a bit.

MS BETKOWSKI: How do you feel about "special?"

MRS. McCALLUM: Yes, I think if it was a word that we could all accept. I think we all know that historically Quebec is very, very important and very special culturewise. I think if they could just find that one word that Quebec and Alberta agreed on, we'd be away. We need a lot of goodwill too, and maybe we should try to [inaudible] those people with a lot of goodwill and maybe be the majority for a change.

MR. CHAIRMAN: Okay. Gary Severtson has a question.

MR. SEVERTSON: One brief question, Dorothy. You mentioned your dislike of Meech Lake. Did that come after . . . Or you're upset with Meech Lake?

MRS. McCALLUM: I think in a way Meech Lake helped us to grow as a country, but it was upsetting, yes.

MR. SEVERTSON: But what I was saying was your dislike before the notwithstanding clause when they put the language law in Quebec, or after that? A lot of people confuse the Meech Lake agreement with the notwithstanding clause that Quebec . . .

MRS. McCALLUM: I'm talking about Meech Lake and Clyde Wells.

MR. SEVERTSON: Okay. I just wanted that clarified because of the last two weeks.

MR. CHAIRMAN: Okay. That's the last part of the process, I guess, that upset you. In June 1987 when Meech Lake was agreed to in Ottawa, we then came back and put it before our Legislature, introduced it, allowed it to stand over the summer until November, debated it then, and passed it. I don't think people were concerned about it then. It wasn't until, quite frankly, Mr. Bourassa used the notwithstanding clause to invoke the sign language law that a lot of people started to get angry about that and saw Meech Lake as the cause or the reason that Mr. Bourassa was able to do that. I don't know whether you fit into that category or whether it was the incident in June of last year in Ottawa where Clyde Wells was part of the process and so on that really got you upset.

MRS. McCALLUM: Actually, both those things upset me. The notwithstanding clause with the signs in Quebec, yes, that. I think as a westerner I feel that often Quebec likes to get away with a little bit more than it should, and maybe it should start co-operating with us too. It's a very thorny issue, I know, but I think that we've got to have a meeting of the minds and try to get along to keep our country together.

MR. CHAIRMAN: Well, we'll try as legislators to work on your behalf to do that very thing.

MRS. McCALLUM: Thank you very much.

MR. CHAIRMAN: Thank you.

Patrick Adamson has indicated he'd like to come forward and give us some views. Patrick.

MR. ADAMSON: Thank you. Mr. Horsman and members here, I was thinking about this after supper tonight, and I have to admit that I never gave the thought to this that some of your previous speakers have given. I certainly never went into the details or the technical aspects of it, but there's one point perhaps I would like to get across in any event.

I think most Albertans and most Canadians could accept just about anything that happened providing it was done democratically. We can see what's happened in Europe and all over the world. If people don't have a chance to speak up and their will isn't carried out, then there are going to be repercussions for years. So I'll just go on that vein.

I have a few negative things to say, and I'll try to keep them out as much as I can, but if I am negative about anything, it's leading up to something else. It's very brief anyway. I appreciate you giving me this opportunity to say anything.

We can't base these decisions regarding our Constitution on sentimentality, in any case, but on sound practical reasoning. I've got no schematic plan of changing your government or anything else, but the point I'm trying to get across is that I don't think the democratic process has been used, and it hasn't been used in this Meech Lake thing. It's the abuse, really, of the democratic process is the way I'm putting it, and I think it's hurt people more than we realize. We hope we don't have anything like Meech again.

I'll just read what I've said here.

I trust that present and future discussions will lead to a fairer and more democratic process in determining a much needed revised Constitution. I believe we have learned a lesson from Meech; namely, that we cannot leave this constitutional change process solely up to our governments, our MPs, or our bureaucrats. In fact, decisions of this magnitude should be turned over to an electorate through plebescite and particularly the referendum. The words "constitutional assembly" have come up a lot here, and I agree with that. To add to what was previously said, I think it should be nonpartisan and it should be elected throughout the province, maybe with 10 or so members throughout the province so that our government and our people in power have something to work with and we know that it's truly a democratic process. Okay; that's the first point I want to get across.

Many of us, in fact the majority of Albertans and Canadians, have lost trust in our governments the way the First Ministers' Conference was handled, and we are particularly offended regarding the manipulation and strong-arm tactics that were used regarding this process. That's one of the negative things I have to say. We all know that, and it's repetition really. But because of the preceding events it also becomes apparent to me that we need a triple E Senate and a check and balance system against the overwhelming control of the lower House. There has been little regard for equality and for fair representation from western Canada.

Also stemming from the same type of control, I believe, many of our regional concerns are ignored; for example, bilingualism. I don't believe we are redneck or prejudiced because we feel that bilingualism was forced upon us. Most of us could accept federal bilingualism if we and our province had some input regarding how it was handled. It seems reasonable to accept in a federal sense where numbers warrant and as long as the provinces exercise some control. If Quebec Canada is making French their official language, Alberta and perhaps all of western Canada and perhaps the rest of Canada should make English the first official language.

8:12

Regarding the distinct society, it's supposedly based on Quebec's special status in the Constitution and the concept of two founding nations. I think originally this was only applied to eastern Canada. Well, I don't even have too much trouble with that in itself, but the only problem is that we are now discussing special status for the native Indians and Metis. We should probably be considering the Ukrainians, Germans, Italians, Chinese, et cetera, who settled western Canada. Perhaps this group could be given special status as multicultural Canadians or western Canadians. I think we're perhaps best to try, as long as it's democratic . . . As long as it's democratic: that's the point I'm trying to get across. It has to be a democratic process, and it has to use the electorate in the province and throughout Canada. This is a very sensitive situation, and major divisions and separation of the country could result if this matter is handled without input from the electorate and the rest of Canada as well as Quebec. Once again, these decisions could be made through a constituent assembly, as previously suggested.

The constituent assembly would be responsible to government and to the electorate with a system of recall in case the members were not representing the people, and that's what we have to be very careful about. It has to be a bona fide election process, I think.

I don't particularly think strong federal government is the answer without some kind of regional representation or provincial control, as a triple E Senate, because I think with the MPs in the east – and I think they're all good people. They're trying to do their job, as you are, but I think that they have more control and we have little to say sometimes.

MR. CHAIRMAN: Well, thank you for coming forward. I appreciate your thoughts and your obviously strongly felt views about the future of the country.

The democratic process, of course, has been tried in a number of ways in the world. We've seen examples recently of the so-called democratic republics in eastern Europe and even in the Soviet Union collapsing. We all remember, I'm sure, the days when we'd hear the reports of the elections from the U.S.S.R., where 98 percent of the people voted and 97 percent of the people voted for one candidate, but that's because there was only one candidate. What we've tried in Canada has been based on the British parliamentary model and applied to the federal government and the provinces. We've seen other examples: in the United States, a republican form of government; across the world, attempts to get democracy.

The system that was in place before Meech Lake . . . I've said, you know, that Meech Lake is a dead horse, and there's no use flogging a dead horse, but it's useful to know why the horse died. I think we've been hearing loudly and clearly why the horse died, and now we've got to buy a new horse and get it running and working for the country. That's the dilemma we're facing.

MR. ADAMSON: Back to square one just about, it seems.

MR. CHAIRMAN: Yeah. Just about, in a sense.

But the purpose of this committee – and, by the way, we are a nonpartisan committee. We represent all the parties in the Legislature, and we've been getting along pretty well. We obviously have some difference of opinion from time to time, but the 16 members, and you have eight here tonight, are really, really, sincerely struggling to try and get the views of Albertans through this process and others we're going to be using. It's not easy, because we've been told – I'm repeating myself; my colleagues will be getting angry with me – that we don't need provinces, that all we need is one strong central government. But that's on one hand; on the other hand, we've been told, "Okay, western Canada, separate." Boy, there's a lot of territory between those two points of view.

MR. ADAMSON: I know. My mother-in-law used to say: convince a man against his will; he remains unconvinced and still. You know, you can't force any opinion on people. They have to believe in it, don't they?

MR. CHAIRMAN: And we're going to have to go by what the majority, a broad majority, view is. That's what we're trying to seek out from people like yourself across the province in the various communities we've been moving into. We very much appreciate your coming forward.

MR. ADAMSON: I appreciate you giving me this opportunity, especially on such short notice.

MR. CHAIRMAN: Well, that's what we wanted to do. Thank you very much.

MR. ADAMSON: Thank you.

[The committee adjourned at 8:17 p.m.]

9:15 a.m. Wednesday, September 11, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, are we ready to go? I'd ask the members of the panel to take their places, and then we'll commence the proceedings.

My name is Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat and the chairman of the select special committee. We have a number of presenters today. This is an opportunity for people in this district to give us their views on the future of Canada and Alberta's role in that Confederation.

We have 16 members on our panel representing all political parties in the Alberta Legislative Assembly. We have divided our committee into two panels of eight members so that we can hear twice as many presentations. We spent eight days in hearings in May and June, and we're now into our third day of hearings in September. By the end of this month we will have concluded our public hearing process, and then we will engage in some dialogue with other Canadians: the federal parliamentary committee, which is to be formed, and other committees from other provinces. We've already met with the members of the Ontario select committee of their Legislature, and we'll be eventually meeting, we believe, with all the other provincial committees, so we are in an elaborate, extensive process of consultation.

I'd like the members of the committee just briefly to introduce themselves, starting on my left.

MR. CHIVERS: Barrie Chivers, MLA, Edmonton-Strathcona.

MR. HAWKESWORTH: Bob Hawkesworth, Calgary-Mountain View.

MRS. GAGNON: Yolande Gagnon, MLA, Calgary-McKnight.

MS BETKOWSKI: Nancy Betkowski, MLA for Edmonton-Glenora.

MR. ANDERSON: Dennis Anderson, MLA for Calgary-Currie.

MR. BRADLEY: Fred Bradley, MLA, Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA, Innisfail.

MR. CHAIRMAN: On my left is Garry Pocock, the secretary of the committee. We have with us as well this morning Ty Lund, the MLA for Rocky Mountain House. It's good to have you here, Ty. Perhaps you'd like to say a word or two.

MR. LUND: Thanks, Mr. Chairman, and welcome, ladies and gentlemen. I'm really pleased to see the high school class here. The outcome of all this constitutional debate, of course, is going to really affect your lives in the future, so it's great that you're here. We hope that you participate in the sending in of presentations, that type of thing.

I want to also welcome the committee to Rocky Mountain House. Thank you, Jim, for yielding to my pleas to come to Rocky Mountain House. The folks of the Rocky constituency felt left out in the Meech Lake debate. It's great to have you here to listen to our concerns. I'm sure you'll have a great experience.

MR. CHAIRMAN: Thank you very much, Ty. This is my first visit to Rocky Mountain House after all these years of being involved in politics, so I've been looking forward to coming here.

We'll get right into the presentations then. We're running slightly behind time. We have asked each presenter to take 15 minutes, which would include the presentation and an opportunity for some questions from members of the panel.

Martha Kostuch.

DR. KOSTUCH: Thank you, Mr. Chairman, members of the panel. My presentation is quite short, so I'll go through it quickly, because I'd like to spend most of the time on answering any questions you might have.

My presentation focuses on the Constitution and the environment. Under the existing Constitution responsibility for the environment is concurrent. This means both levels of government have roles to play in protecting the environment. The goal of environmental protection is best served by retaining concurrent federal/provincial jurisdiction over the environment.

The Constitution gives the federal government jurisdiction over the following areas related to the environment: federal property, navigation and shipping, fisheries and oceans, Indians and Indian lands, and criminal law. The federal government is also enabled to make laws for the peace, order, and good government of Canada. Finally, the federal government is responsible for interprovincial and international matters.

The Constitution gives the provincial governments jurisdiction for the following areas related to the environment: management and sale of public lands belonging to the province and of timber on public lands, property and civil rights, and natural resources.

There are several reasons why I believe concurrent jurisdiction for the environment should be retained in any revised Canadian Constitution. It can be argued that provincial governments, because of proximity, are in a better position to address issues that are of only local concern. Certainly provincial governments, as owners of property and of natural resources, have an important role to play in protecting the environment. On the other hand, provinces often feel a greater compulsion to accommodate industrial interests that contribute to local employment and revenue. In fact, provinces themselves are often the proponents of major projects. In these cases where the provinces have a conflict of interest, they are all too often prepared to sacrifice environmental protection in favour of economic development.

The federal government is in a position to establish uniform environmental guidelines or standards which will prevent environmentally destructive competitive bidding for industrial development and creation of pollution havens. The environment does not respect boundaries. Rivers do not stop flowing, winds do not stop blowing, wildlife does not stop running or flying, and fish do not stop swimming when they reach the border between provinces and countries. Obviously, the federal government must have jurisdiction over interprovincial and international environmental matters.

The federal government has an important role to play in research and information gathering. It would be difficult if not impossible for a provincial government to maintain a sufficiently large information-gathering network and research capability to keep up with the latest information related to pollution control and environmental protection.

In addition to constitutional jurisdiction over the environment, there are three other matters which I wish to raise with you. They are: the need for an environmental bill of rights, the legal standing of individuals, and the need for access to information legislation.

The existing Charter of Rights, which guarantees life, liberty, and the security of person, may be broad enough to include the right to a healthy environment and the right to be free of contamination. However, the intent would be clearer with a separate environmental bill of rights or with an addition to the Charter of Rights guaranteeing the right to a clean and healthy environment.

Related to the need for an environmental bill of rights, individuals should be guaranteed legal standing either by revising the Constitution or within an environmental bill of rights. Individuals should be guaranteed the right to challenge environmentally damaging or illegal actions in court.

Access to information is essential to protecting the environment. All jurisdictions in Canada, including Alberta, should have access to information Acts.

In conclusion, there are many reasons for retaining the existing constitutional jurisdictions over the environment. In addition to retaining a federal/provincial constitutional balance for environmental protection, an environmental bill of rights should be passed, individuals should be guaranteed standing in courts, and all jurisdictions in Canada should have access to information legislation.

MR. CHAIRMAN: Thank you.
Questions and comments. Barrie Chivers.

MR. CHIVERS: I have two questions, Martha. The first has to do with the concept of concurrent or shared jurisdictions. That's a very topical issue in presentations that have been made to the board. Some of the arguments we've heard in terms of division of powers are that there are inefficiencies in terms of redundancy in government structures that are associated with concurrent jurisdictions. I'm just wondering what your views are on that argument. In other words, there is an economic argument for having fewer shared jurisdictions.

DR. KOSTUCH: In some cases that's true. In some cases, however, duplication is beneficial, and certainly protection of the environment is one of those areas. Because you have concurrent powers does not necessarily mean it has to be inefficient. We can have agreements, and we can better work out the powers that exist now. For example, we have a lot of duplication in fisheries at the moment, duplication that's not necessary. Perhaps we should look closer at who has the responsibility for fisheries management and sort that out. Through agreements, through joint hearing processes we can eliminate much of the duplication, the inefficiencies without necessarily eliminating the concurrent powers.

MR. CHIVERS: The other question has to do with your comments on access to information. I wasn't clear whether you were suggesting that it should be entrenched in the Constitution, as part of the context of the Constitution the right to access the information, or were you suggesting that that should be provincial legislation but legislation in all jurisdictions?

9:25

DR. KOSTUCH: While it would be an interesting concept to entrench it in the Constitution, I haven't thought of that. Certainly Alberta and P.E.I., I understand, are the only jurisdictions in Canada without access to information legislation at this point in time, and my thought was, in fact, to have access to information legislation in each jurisdiction – and effective, because even the federal access to information legislation leaves a lot to be desired. It would be an interesting concept to actually entrench it in the Constitution.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, and thanks for your presentation this morning. I'm just wondering if at the basis of your presentation is a view that when it comes to the track record of protecting the environment, it is your feeling that the courts have done a better job at that than the politicians have. Is that really what's at the root of some of your suggestions here?

DR. KOSTUCH: Well, in the end it comes to the politicians. The courts are only there to enforce the laws, the laws that are put in place by politicians. So the courts have a role to play in enforcing the legislation, but the responsibility comes down to the governments at the federal and provincial levels. That's where the ball stops, is with the politicians. They can change the laws. They can amend the laws. Then they put the laws in place. The courts are only there to enforce the laws. At this point in time both levels of government have done a poor job in enforcing environmental legislation. So the courts have provided a backup that is being tested and used to try to get that legislation enforced. But in the end it comes down to you, the politicians at the provincial and federal levels, to make sure that the environment is protected.

MR. HAWKESWORTH: Some people have looked at the experience that we've had with the Charter of Rights as an example, and your suggestion of perhaps broadening the Charter to incorporate some reference to the environment sort of prompts my question. Some people have seen in the way the Charter has been operating that it's turned over to the courts a great deal of power in terms of interpreting the law, and to some it's almost creating law by the way they've interpreted it. Is that a concern of yours, that perhaps with an enhanced Charter more and more critical decisions might be turned over to appointed, nonelected judges as opposed to the decisions being taken by the elected politicians?

DR. KOSTUCH: The role of the courts is to interpret the laws; that's their role. The clearer you as politicians make those laws, the less interpretation is necessary by the courts. You make the laws, you change the laws, and the courts only interpret those laws. Is there a concern? Well, how many of us would advocate doing away with the Charter of Rights? Basic human rights, we believe as a country, exist. We may argue how far those rights should go, and that's argument that should occur at the parliamentary and legislative levels. But once we've decided what those basic rights are and we've entrenched them in legislation or the Charter, then it is the role of the courts to in fact interpret them. If we don't like their interpretation, then it's back to you guys again to change that. So if people are dissatisfied with the way the courts are interpreting the Charter of Rights, then it goes back to the Parliament or the Legislature, depending on which charter of rights it is, to in fact make changes.

MR. HAWKESWORTH: Thank you.

MR. CHAIRMAN: Thanks very much.

Dennis Anderson, then Yolande Gagnon.

MR. ANDERSON: Thank you, Mr. Chairman. Actually, Bob very much asked the questions that I had in mind. I would like to just follow that a little bit further though. The concern with the difference between a Charter and the court involvement there and a Bill and the court involvement there is the inability to change misperception or change a direction taken by the appointed body in the Charter case except through the cumbersome and complex amending formula. Of course, with a Bill those changes can take place more quickly through a Parliament or through a Legislature. I'm not saying that those are quick processes but infinitely quicker than a constitutional change. Do you feel that the environment and the needs that are there and the interpretations that may be required with the complexity of events and the evolving technology requires governments to be on top of that in making those changes as necessary, or are the kinds of situations that you can envision so standard that they should be entrenched in a Charter which the court will interpret and which politicians are unlikely to change because of the process?

DR. KOSTUCH: Both the Constitution and the Charter, of course, require a much lengthier process to change, and I think the reason is because we feel that those things should not be changed, basically, at the whim of a parliament or a Legislature but should be things that govern us for all times or until there's a large agreement that change is required. Certainly I don't want to see the legislative power reduced – that is, your right to make laws to protect the environment – nor the right of the federal government to make laws to protect the environment, but there are some basic rights and basic needs both of humans and of the environment. The right to a healthy environment, I believe, is something that should be entrenched and may already be entrenched as part of the Charter and has not yet been determined by the courts. It may in fact already be entrenched by our right to life, liberty, and the security of person. It may already entrench our right to have a healthy environment.

That, I think, is a right that we should all have, that the environment itself should have, and that should not be left to the discretion of a Legislature or a parliament to change. On the other hand, there's certainly within that broader right much more specific requirements for how we go about protecting that, just like how we go about protecting the right to life, liberty, and the security of person. How do we get a healthy environment? Those should be put in place by laws passed by you.

MR. ANDERSON: I appreciate that analysis. The difficulty I'm having is once you give a right that general to the court, then are you not placing on them the responsibility to define what that means? I think we all agree with the right to a healthy environment, but the specifics in each individual case or what judgment we make may be quite different. Do the courts have the ability and the resources necessary to make those judgments, and should they be therefore determining what specific programs you have by virtue of the judgments they make, or should those be initiated through elected representatives? I guess that's the difficulty.

DR. KOSTUCH: Number one, you're not giving those rights to the court; you're giving those rights to the people in Canada and to the environment. The court is only there to interpret those rights, but certainly the rights are not being given to the court. The interpretation is both yours and theirs: your interpretation through the legislation you pass and their interpretation through court decisions, and we've seen through the years that the interpretation has differed, that the courts have given to the Constitution, for example, interpretation that perhaps was never intended originally. Those are arguments to be made.

The Northwest Territories currently has an environmental bill of rights. We're seeing it put into action. They, I believe, are the first jurisdiction to entrench an environmental bill of rights. So we will have some experience with that. I don't think most people could argue against entrenching the right to life, liberty, and the security of person. Now, you may argue with how that's interpreted by the courts, and it may change over the years, how it's interpreted by the courts, and it's based on the arguments that are made to them by lawyers coming forward on cases, but the rights exist.

MR. ANDERSON: Well, no question about that. I guess the only thing that concerns me is: does the court have the ability to make the specific judgments which they are forced to do when it's entrenched as opposed to in the bill of rights, such as in the Northwest Territories that you indicated, where the government then interprets that? Is a court today, which is based on legal precedent and legal judgment, able to judge what is socially best for a population? We make them do that legal interpretation, but when we put it in the Charter, we go the one step further and say that not only do you interpret it now, but that's really not going to be changeable, so your interpretation will last until a Constitution is changed again, which, as we are now experiencing, doesn't happen very often.

9:35

DR. KOSTUCH: Well, in fact, the N.W.T. was put in place by Legislatures but is interpreted by courts. One of our great democratic principles is our legal system. We may have problems with it, but I don't know of any better legal system that exists. Certainly I've had my problems with it. But in many countries I'd never have been given that opportunity, and it's an opportunity that I certainly don't want to see lost. So while we may disagree or agree with their interpretations, we do have the courts in place for a purpose. We may disagree with the interpretations that you make as a Legislature. So we have a balance. We have you to put in place the laws, the Constitution, the Bill of Rights; we have courts to interpret that and you to change it if you don't like their interpretation. Can we say that they're always going to interpret it the way you want? No. But can we say that you're always going to interpret a society's needs in the way we want? No.

MR. ANDERSON: I agree with all of that, Martha. It's just a matter of the difference of the population, through the elected representatives, being able to change the Bills and the programs in things like interpretations of the Bill of Rights. They would still go through the courts, but you can then change them. When it's in the Constitution, the interpretation can't be verified or changed or brought up to date.

DR. KOSTUCH: It can be changed, but it's much more difficult to change. But they're much more basic rights that need that extra difficulty to protect them.

MR. ANDERSON: Should be.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. Good morning. I wanted to ask you to expand on the notion of guaranteed legal standing of the individual, if you could expand on that. I take it this is as regards the environment.

DR. KOSTUCH: That's right, although there are other areas where it may be advantageous to have a legal standing. Right now in Canada there is no guaranteed legal standing; that is, we don't have the right to go to court and uphold the legislation. If something is being done illegally and the governments for some reason fail to enforce the law, there is no guaranteed right for us to enforce it.

Now, that's a large statement, and within that there are some specifics. The Fisheries Act, for example, which I'm very familiar with, gives individuals the right to privately prosecute, the right to lay in information. However, they are not guaranteed the right to carry that prosecution forward; that is, the governments can take away the prosecution from the individual and basically stay the charges. Now, that's being challenged before the courts right now, of how fettered that right of the province to take over charges is, and hopefully will be resolved in the next few years, probably, with a couple of more Supreme Court decisions. But it's a right that should be guaranteed; that is, individuals. It's really essential for environmental protection, because often governments for one reason or another fail to enforce environmental legislation. It's a right that is essential in environmental legislation, that when the governments fail to do it or when the governments are the offender, individuals have the right to go to court and make sure that the law is enforced: the right of legal standing.

MR. CHAIRMAN: Ms Betkowski.

MS BETKOWSKI: Dr. Kostuch, nice to have you before our committee. One of the principles in health legislation, certainly in the Canada Health Act and reflected in all the provincial statutes with respect to health, is the issue of confidentiality of information with respect to health records. In your desire to have freedom of information legislation in Alberta, would you see that principle being protected against public access to information, or should it be treated in some different way?

DR. KOSTUCH: I see the right to confidentiality and privacy of individual information as being very important, and it should also be entrenched in law.

MS BETKOWSKI: It is already, of course.

DR. KOSTUCH: Yes, and it is at the federal level as well. It's a very important right to be protected by law.

On the other hand, the right to confidentiality of an individual's information does not jeopardize the information that is needed to protect the environment, and I would not want to see that hampered or reduced in any way.

MS BETKOWSKI: Okay. Thanks.

MR. CHAIRMAN: Thank you, Dr. Kostuch. Just a comment. We've had a number of people come forward and suggest a radical restructuring of the form of government in Canada. I don't think you're advocating that to us today. Is that correct?

DR. KOSTUCH: I've concentrated on the environmental areas, but certainly in the broader areas, no. I think our Constitution has served us very well. When you look at constitutions of other countries, I don't think you can find a constitution, or very few, that have served their countries as well as this Constitution has served us.

In preparation for these hearings I've gone back to the history of how Canada was formed and how Confederation came to be, and the same arguments that are being made today are those arguments that were being made at the time of Confederation, the provincial versus the federal. The sides may have changed a little bit, the parties may have changed, but the issues have remained the same. Yet when we look at how our Constitution has served us, how our division of power in this country has served us, there may be times to readjust certain of those matters, but basically we've been served very well. I'm a Canadian by choice. I chose to come to this country. I want to remain a part of Canada as a whole. I love this country, and I can think of no better country to live in. Part of the essence of this country is our Constitution. So, no, I'm not advocating an overhaul of the Constitution.

MR. CHAIRMAN: Thank you. It's very helpful to hear some people say that now and then.

Paul Jenson is next.

MR. JENSON: Thank you, Mr. Chairman, members of the panel. I am a Canadian. My father came to Saskatchewan from Wisconsin in 1910 at the age of 14. My mother came to Saskatchewan in 1913 at the age of six. I was born in Saskatchewan in 1937. I came to Alberta at the age of two months. My parents farmed in Saskatchewan and Alberta until they retired in British Columbia in 1967. My brothers and I have worked in four provinces. I've visited every one of the 10 provinces, and I hope to see the territories soon. So I view myself as a Canadian.

I am proud of Canada's history from the very beginning. I regret that so little emphasis is given to history in our schools. Most of us should know more, especially about the French fact, the expulsion of the Acadians, the aborigines, the buy-out of the Hudson Bay charter, the creation of the prairie provinces, the mistreatment of the Metis, the emergence from colonial status, the addition of Newfoundland.

We need more opportunities for Canadians to visit each other. There is a role for service clubs, schools, and governments in arranging for exchanges. We need a broader vision of Canada. The French-bashing and Ottawa-bashing is to be regretted. Our local school boards need to be admonished for being uncooperative with parents who seek to give their children a bilingual education. The attitude of Speaker David Carter and the foot-dragging of the government on the French language issues are to be deplored.

We in Alberta are especially fortunate. We have low taxes, high incomes, extensive government services. Few of us would want to move elsewhere except perhaps for reasons of climate. If the youngest of 10 children in a family had the best motorbike, the finest room in the house, the most generous allowance, and the least household duties, he would not complain that the family rules run unfair to him. We Albertans need to remind ourselves how lucky we are: first, we are Canadians; second, we have the best deal in Confederation.

I am a fan of the monarchy, but I believe changes are needed to get us finally away from colonial status. We in Alberta should lead with the suggestion that the English monarch cease to be our ultimate head of state. We should have a Canadian-only head of state. The method of appointment could be worked out.

Perhaps there would be an alternating between men and women in four regions and the territories. A three-year term is sufficient. We should not impose on Quebec the burden of putting this issue on the table. We in Alberta should raise it first. Prince Philip told us years ago that the monarchy would not want to stay where it is not wanted, and we should follow up on this suggestion. To the son of a continental European the British monarchy may merely be an irritant, to a Canadian of African or Asian background it's a puzzle, to someone with roots in South or Central America it's an anachronism, and to Quebec, of course, it's an unnecessary reminder of British dominance.

In making this suggestion, my credentials are unimpeachable. I bet I'm the only one here today who has a large, engraved photo of King George V hanging in his house.

9:45

The public/separate school system in Alberta is out of date and unjustifiable in a pluralistic, equal society. The supporters of separate schools and their local leaders and clergy should examine their consciences, and volunteer to surrender them. That initiative shouldn't have to come from persons who don't support the separate system because that would be divisive in the community. But it would be an exercise in maturity and statesmanship for the supporters of separate school systems to look to the melding of them into the public system.

Later this afternoon Mr. Lund will be speaking to you with the results of the questions he put to members of his constituency. I refer to them, one to 12, in what I have yet to say, and I assume that you'll be looking at his material.

I would urge the federal government to dust off the disallowance power, which is in our Constitution but has not been used for 40 years. It should have been used promptly re the Quebec language law.

Two. The provinces, except for Quebec, are administrative necessities for local purposes. Our country is already decentralized enough. I don't wish to see further decentralizing.

Four. The major levers of economic power must be in the hands of Canada. The provinces should get out of giving handouts to packing plants, et cetera. Culture should be the responsibility of individuals and groups, so the argument as to whether culture is a federal or provincial responsibility is by the way. It should be a personal or community or family or other responsibility, not government's responsibility. Multiculturalism should thrive on its own and not be supported by any treasury.

The French language should have its current status. Our courts, legislatures, airports, and federal government offices should use French and English equally.

My own other European language is Norwegian. I have studied it. I have read Norse history. I visited Norway at my own expense. I do not want other Canadians paying taxes to help me preserve Norse culture.

It is fashionable for provincial politicians to pretend that they are something more magnificent than they really are. Provincial boundaries should merely be lines on road maps. Provinces should not be striving to increase their powers. They should do a better job of supervising the local jurisdictions they have created under the Municipal Government Act, the School Act, et cetera.

If and when the Alberta Legislature acts to preserve the excessive representation of rural Alberta in the province's Legislature, then I would support a Senate which was equal for all provinces. There's been a great hue and cry about having a triple E Senate in this province, and I challenge anybody who defends that proposition to justify the difference. That is to say, how can the provincial government or the provincial Legislature cut back the representation of rural Alberta on the grounds that there aren't enough people left there anymore and still suppose that a little province should have exactly the same Senate representation as a large province? It doesn't make sense. I think that this whole Senate issue is a red herring. We in Alberta shouldn't direct much of our attention to the Senate. I don't want an effective Senate. Our House of Commons has enough trouble governing the country without having more problems thrown its way by a Senate. The Senate should be abolished, defanged, or varied to limit its power. There should be a one-year term only. We should exclude from service in it any political hacks, bagmen, and former politicians. Let it be a Senate of personal merit, not of political partisanship.

Indian self-government is a catchphrase these days. It would, of course, need a legal basis; that is to say, provincial or federal statutes analogous to the Municipal Government Act. We shouldn't encourage the Indians to believe that somehow or other there's going to be a prescription whereby they create their own constitution from the beginning. Indian reserves are full of male chauvinism, nepotism, and abuse of power. We Canadian taxpayers will likely be paying forever for breaches of trust that whites and Indians have committed and are still committing against other Indians. Female Indians are denied band status simply because the federal government is too gutless to enforce its legislation. The band expenditures are almost never audited, so the individual member in a band, especially if she is a woman, is disenfranchised from the band. It's the responsibility of the federal government to do something about that.

In the process of constitutional reform I would recognize these groups: Ontario, Quebec, three prairie provinces, B.C., the three old Atlantic provinces, Newfoundland, the north, and the natives. They are historically different in many ways. Constitutional reform could be vetoed by any combination of three of these.

The Charter of Rights has been positive in my opinion. I adopt everything that Dr. Kostuch said; I didn't review her text. Everything she said I thought was very well reasoned. I would suggest that there should be some rights added to the Charter of Rights. The rights which should be added are this: no person who is employed by an agency of any government, court, civil service, or police may by his choice of clothing, hairstyle, or adornments disclose that he is a member of any particular group, club, organization, religion, et cetera. This would put Sikh headdresses out of the RCMP and Mason rings off the hands of judges. Both are long overdue reforms. Why should anybody worry that, for example, if I'm not a Sikh, I may get beat up in a cell, or if I'm not a Mason I'm sure to lose this particular lawsuit?

In my respectful opinion, the Red Deer Legion owes an apology to the Sikh individual and the Sikh community owes an apology to all of us for intimidating the RCMP and the government. The Red Deer Legion reminds me of the Ontario Orangemen at the time of Riel. The Sikh community is very arrogant for bullying a national institution especially important to our western Canadian psyche, and they have created disharmony and set back the cause of racial and religious tolerance greatly. I could not have joined the RCMP because God gave me a bad left foot. Should I have complained that the RCMP was unfair? No one has an inherent right to join the RCMP. The real problem is that both provincial and federal governments are spineless, and they count the number of visible-minority voters and hope the majority forget the issue.

The premise that courts override decisions of democratically elected governments is spurious. If the court applies the Charter to a particular piece of legislation, then the legislation is merely being declared to be void under the Constitution. This was hashed out by various of you, and I support Dr. Kostuch's view. John Diefenbaker, of course, complained that the Supreme Court had essentially vitiated his Bill of Rights in the Drybones case by giving it a too restrictive interpretation. Of course, we are aware that courts do make these decisions, but as Dr. Kostuch has said, somebody has to do the interpreting.

Point 11: yes, I'm in favour of bilingualism. And to Mr. Lund's question 12, certainly yes.

Thank you for hearing me.

MR. CHAIRMAN: Thank you, Mr. Jenson. You've been nothing if not provocative on a number of issues.

Yes, Yolande.

MRS. GAGNON: Thank you. As the culture critic for the Liberal Party I want to ask you about cultural funding, not multiculturalism but funding for culture. When I look at culture, I think of things such as ballet, philharmonic, theatre, et cetera, et cetera. You indicate that there should be absolutely no government funding. Even in Europe, through the Renaissance and so on and still today, there always had to be some place for government funding to promote the arts.

MR. JENSON: I should have been clearer, madam. I don't want cultural funding tied to ethnic or religious distinctions. I'm in favour of having the province spend some money on culture. The way I would do it is that I'd take the lottery money – I think that when I buy a lottery ticket, I should be able to punch one of four categories. I should be able to punch a category which is the fine arts, the ballet, and everything else. I should be able to punch a category which is for amateur sport. I should be able to punch a category which says this is for medical research. I'm not sure what the fourth one might be; you might make a suggestion. I think that people should be given some kind of way of expressing how they wish the government's priorities to be set. I don't like the way in which the lottery funds are divided, and I think the lottery funds are a very fine way of tapping the money that you and I spend.

MRS. GAGNON: But what if nobody, for instance, punched the hole for the arts? Don't you think there should be some base funding from both the Canadian and the provincial governments?

MR. JENSON: Yes. I'm an elitist. We have to say that we're elitists at the core because we're all very privileged people and we all know very well that we should have a national ballet. We should have an Alberta ballet. We should have a symphony orchestra. We should have those classic kinds of art forms. In saying that, of course, I run the risk of being criticized by somebody whose preference is for country music rather than symphonic music or something. But surely we've learned enough as a civilization that we have to dispense some public funds to advance what we all consider to be civilized forms of art. That doesn't mean we hang strips of meat in the National Gallery.

9:55

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Fred Bradley and Bob Hawkesworth.

MR. BRADLEY: You were suggesting that the separate school system should amalgamate with the public school system. Currently the separate and public school systems are both guaranteed by the Constitution. What's your reasoning or rationale behind that? I think it would be very difficult to do since it is currently constitutionally guaranteed.

MR. JENSON: Well, of course, but we're looking down the way to seeing what kinds of reforms we should make in the Constitution. That's one of the changes that I would urge be made, and I hope it would be proposed by the advocates or supporters of the separate school system. But the distinction fundamentally underlying the separate school system is basically the Roman Catholic versus the Protestant division of the Christian community, and that really isn't the only major distinction there is in the community at large. There are all sorts of people in our community who are not of the Judeo-Christian background or the Christian background precisely, and these are people who have come from other countries. The role of the school system should be to achieve literacy for the purposes of the nation, because we need a literate community. We need to have people who can read and write so they can understand and participate in the democratic process and be employed. But there's nothing which is inherently essential for the country as a whole that a particular group should have government funding to support a school system which has a particular point of view on matters of religion.

So I find it anachronistic; it's out of date. I hope the supporters of the private school system would see it that way and not put on me the burden of trying to institute that change, because if I said it as I've now done, I'd probably expose myself to various forms of criticism from the supporters of the school system on a personal basis.

MR. BRADLEY: Well, we've heard very strong support for the current constitutional arrangement from the separate system in the hearings to date.

MR. JENSON: I'm not surprised at that. I mean, if there were a special school system which said that I get to defend my Norwegian heritage or my particular brand of the Christian religion, I would be there speaking up, but I'd surely like to see how their arguments are ultimately based. Is it just a preservation of the status quo? Can you defend as being vital to the national interest that taxpayers in general see the inefficiencies inherent in a dual school system? Now, this may not be vital in Calgary or Edmonton where the schools are so big and the crossover between schools doesn't matter, but in a small jurisdiction like this, we've got a difficult enough time funding our schools.

MR. BRADLEY: Well, I don't believe it's an issue which at least I personally am willing to add to the constitutional agenda, which already has a number of major items.

MR. JENSON: That's right, because it's too sensitive. That's why the only way it will ever get on the agenda with any hope of getting changed is if it gets put on the agenda by right-thinking people in the separate school system who say, "I think on reflection it is not appropriate, and we will guard our religious heritage through our church, our community, and our family life and not expect it to be done for us through the public treasury."

MR. CHAIRMAN: Right.
Bob Hawkesworth and then Dennis.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Jenson, your comments about the head of state, the British monarch, were pretty direct and unambiguous. We've had comments on both sides of that question throughout our hearings. Other Albertans have come to us, however, talking about the House of Commons and the Legislatures with some ideas of modeling those more closely on American counterparts, with the idea of fixed-term elections and that sort of thing. So you didn't sort of address yourself to the question of the British parliamentary model of democracy which we have in Canada, and I'm just wondering if you would go beyond changing the head of state and perhaps change some of our other institutions as well. Would you advocate changes, for example, along the lines of our American cousins?

MR. JENSON: I'm happy with our system. I think we have the best parliamentary system there is. The head of state matter is a simple titular matter.

MR. HAWKESWORTH: Symbolic.

MR. JENSON: Symbolic, a matter of form. We should deal with it, but we should retain the essential structure as we now have it. It may be that caucuses should have more rights. What we in fact have, of course, are cabinets who dictate to caucuses. Now, it may well be that that's the only feasible way of running the country and we would have utter chaos if we had cabinets at the mercy of completely powerful caucuses. We have a system which works fairly well, and if we don't like it, we get a chance to change it. If the government is hasty in calling the election, the voters will deal with it. So we don't need fixed terms. The only suggestion I would make is that a matter to be treated as a matter of confidence should be put as a matter of confidence or, as the British do, I think, they can have a vote on the question of confidence per se rather than attaching confidence to a particular Bill from the government.

MR. HAWKESWORTH: Good. Thank you.

MR. CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Mr. Jenson, two questions. I guess the first is just your assessment of how practical your position on the monarchy is in Alberta. We have heard a lot of representations, perhaps the majority opposing the distinct society aspect or giving special status to Quebec. Do you feel Albertans would be willing to sacrifice their commitment to the monarchy as part of an agreement with Quebec?

MR. JENSON: I think we should make the proposal and not force the Quebeckers to do it. I think Albertans would say, "Fine; it's about time we had a Canadian head of state." Albertans so attached to the monarchy that they cannot understand the other point of view really ought to think about their point of view. If there's an Albertan who is more keenly a monarchist than I am and cannot comprehend that maybe Canadians in general would like to see us abandon this vestige of colonialism, I'd like to talk to him.

MR. ANDERSON: You may have a few conversations, I suspect.

Just one other question, and that's with respect to your position on the Canadian Senate. I trust, then, that you don't have any concern about current control by the most populous parts of the country over our electoral system. You don't think there's a balance there that's required in any way?

MR. JENSON: I don't see any great difficulty. The Senate hasn't caused us any great difficulties in recent years. The Senate is virtually superfluous; everybody knows that. Do we want formally to bury it, or do we want to modify it? Certainly I don't want to see it as a real source of power.

MR. ANDERSON: I guess I didn't put the question well. Do you feel that in our current system, where the majority of seats are in Ontario and Quebec, that is fine for the west and our point of view is taken into account and we don't need another system such as an elected or effective Senate to balance that?

MR. JENSON: Yes, with two comments. I would hope that when persons go to Ottawa, even if they're from Red Deer, they gain as a Member of Parliament – as I believe Mr. Fee has, and for him I have the highest regard – a kind of national perspective. Somebody has to rise above the petty tribal hostilities and look at the country as a whole. Ontario and Quebec by some counts may seem to be overrepresented in the Senate. That's fine; the Senate isn't particularly important. But if you want to be consistent, you have to look at what we're doing in Alberta or what's going to happen to us in Alberta. The argument will be that in the provincial Legislature the cities must have more votes than rural Alberta because that's where the population is. Now, that is sauce for Alberta; it's sauce for Canada. The bulk of the population is reflected in the bulk of the seats in the Senate.

MR. ANDERSON: The difference, of course, being that we're talking about a bicameral system in Ottawa and a single system that tries to take into account both of those aspects in Alberta.

MR. JENSON: Except that in the province of Alberta the Legislature of Alberta does everything, and that's why it's iniquitous that we're going to have this domination of the Alberta Legislature by the cities.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Gary.

10:05

MR. SEVERTSON: Thank you, Mr. Chairman. Mr. Jenson, I believe you said that you strongly support the Charter of Rights, and then you went on to say the government and the RCMP were "gutless," I think was the term you used, in their decision on turbans. It's my understanding that if they took a different decision on the turbans, the Charter of Rights would say they haven't that right to stop the wearing of turbans. What I'm trying to say is that's a contradiction of what you said.

MR. JENSON: It's not at all. The turban is something that a person wears by choice.

MR. SEVERTSON: But I'm saying the interpretation of that issue was that the Charter of Rights would allow that. That's what I'm saying: how do you rationalize both in your two statements?

MR. JENSON: Who gave that interpretation?

MR. CHAIRMAN: The courts.

MR. JENSON: In what case?

MS BETKOWSKI: With respect to the individual. It wasn't in the original one that you raised with respect to Red Deer but with respect to the right to wear the turban. That was an interpretation.

MR. JENSON: Okay. I'm saying that the Constitution needs to be changed so there's the offsetting principle. Do you think that if I were a judge and were known to be a member of a militant group, for example, somebody out there facing me as a judge would feel confident in me because I wear some great big Norwegian kind of headdress and am known to believe we're the superior race or something of that sort?

I'll just make this one final statement. The principle of law is that justice must not only be done; it must be seen to be done. If a judge flagrantly wears some indicator of a special interest, he's not appearing to be just.

MR. CHAIRMAN: Well, thank you very much for your presentation. It was comprehensive, provocative, and interesting.

MR. JENSON: Thank you.

MR. CHAIRMAN: I'll call on Nancy Green, please.

MRS. GREEN: Good morning, and thank you for allowing me this opportunity.

The Alberta Select Special Committee on Constitutional Reform has been asked to consult with the people of Alberta to determine their views on the constitutional future of Alberta and Canada. This is my personal viewpoint, although I know there are many, many more who share my views.

First of all, I'd like to talk about constitutional responsibilities. I'm very concerned about the way our government is going. It seems quite socialistic. Does anyone remember what the word "democracy" means? It used to mean government by the people directly or through representatives; equality of rights, opportunities, and treatment. The people of Canada should be concerned about the lack of representation by partisan politics. Is there any point in people going through the motions of electing a representative and having them go to Ottawa to be muzzled by partisan politics? We have locally and democratically elected good people to represent our points of view which relate to the issues and feelings of the people of our area only to have them belittled into voting the way our Prime Minister wants them to vote. With this type of representation, why are we wasting millions of tax dollars to put on a democratic front? The elected officials are voting as though they were from Quebec or Ontario, which brings us to the partisan groups. This is why we need to give the provinces more power and greatly reduce the powers of the federal government.

Recently questionnaires were sent to Albertans by our local MLA and MP. The responses should not be taken lightly by the federal government. We are not interested any longer in catering to the federal government and to Quebec. Canada's Parliament doesn't govern; it rules. Why should there be thousands of decisions made by the Prime Minister by order in council without the knowledge or consent of the representatives of the people of Canada? Canadians are under the illusion that this is still a democracy. Only Canada's parliamentarians themselves know how ineffectual they are.

Provincial equality. All provinces should be equally represented in the Senate. The Constitution should allow provinces to meet their responsibilities in various ways because of their varying population, economics, culture, and language. If the provinces had power over their own affairs, they wouldn't need special status because it would already be in place.

Language and culture. English-speaking Canadians still have rights – or do they? Tell me about my constitutional rights if I applied for a job with the federal government or with a Crown corporation. As an English Canadian I have three strikes against me. First of all, I'm not bilingual; secondly, I'm a nonminority; and thirdly, I don't have a Francophone name. There should be an absolute and total end to federal bilingualism. The federal government should not interfere with people's lives and language issues. The federal government itself has promoted separatist tendencies, whether it be French, Sikhs, or other groups. The people of Canada are paying high taxes for our government to spend millions a day on promoting this separatism. I cannot see bilingualism as a step forward for our country when this division of Canada is getting greater and greater.

Whether you are French Canadian or from some other ethnic group, there has always been the freedom in Canada to speak your native tongue; it has never been a problem. Bill C-72 goes far beyond the requirements of official bilingualism. How many of the following key positions are occupied by French Canadians: defence, Communications, Secretary of State, Finance, immigration, Solicitor General, employment, culture, Agriculture, and the postmaster general? How many other committees are stacked with Francophones? When a person phones our national parks or the Canadian consulate in Los Angeles, why should the phone be answered in French? Attempts to impose national language policies have not always worked well because of the differences between provinces. The provinces should have more responsibility in this area.

Our country's unity is not helped when the federal government promotes the keeping of customs, languages, and religion for immigrants from Third World countries when they enter Canada. When you hear of 250,000 of these people entering this country excluding anyone who is of English-speaking origin, who are virtually nonexistent immigrants to Canada, there's reason for grave concern. The federal government should not be surprised at animosity shown to the French, the Sikhs, et cetera, when they ensure that all immigrants be divided into their separate races and religions instead of joining Canada. I feel that when you come to Canada, be a Canadian.

We have our own traditions and customs. They should not be changed or forgotten for the new Canadians. One that meant a great deal to our heritage was our RCMP uniform, and look at the mockery the federal government made of it. You are telling Canadians that we have no heritage worth keeping. This was a symbol of our heritage. There should not be any circumstance where a person's religion should interfere with the uniform on a job. When the people of Canada asked for their opinion on these issues, were they given the right to vote on issues of such importance? The federal government is so concerned about everyone else's heritage; why not our own? I'm tired of having billions spent on everyone else's heritage when we all know that a person's heritage is homegrown and not bought with taxpayers' money.

Why should our tax dollar be applied to programs we don't want and harbouring of criminals that don't belong in our country because our federal government feels it should interfere once again with people's lives and we should throw more good money after bad? The Constitution seems to give rights to everyone but English-speaking Canadians. When you give rights to minority groups, you take rights from the majority. The political setup is giving clout to the politically active minority lobbyists who are trying to change Canada into a country like the one they came from. If they like their native country so much, they should go back and be met with the circumstances which made them feel they would rather live in Canada. Perhaps then they would be willing to take on a Canadian image.

The Charter of Rights and Freedoms. One side of the Charter is that it limits the ability of elected lawmakers to enact legislation. This is not a minor detail. Why should the courts be able to overrule the decisions of democratically elected representatives? There should be cut-and-dried guidelines that are fair to all. Right now these guidelines are endless, and the boundary changes each time an issue comes up. No one knows where they stand, because the rules keep changing.

I hope that interested Canadians who are voicing their opinions, which reflect the opinions of many, many more, are not wasting their time and taxpayers' money today and that these hearings are not rendered useless to our cause and the federal government listens and acts on our concerns. I hope we are not treated with the ignorance that Brian Mulroney showed in Kelowna a few short weeks ago and that the federal government listens carefully to our concerns and remembers that Canada is supposed to be a democratic country. This general lack of concern has not gone unnoticed. Just because our speeches are not in French and our names are not Francophone, we are still Canadians. We're trying to show the federal government how to make a more unified Canada. The last thing we need is another committee formed at the cost of the taxpayer to review the policy of official bilingualism. I talk about the Prime Minister's task force on bilingualism, which has been fairly well thrashed through previous committees and task forces.

In closing, the Official Languages Act should be abolished; there should be more provincial control, which would eliminate the need for special status; and the Senate should be reformed, giving each province an equal number of seats. The federal government should get out of religion, language, and culture in order to get on with business. These are three items that should not be used as tools to stay in power.

Thank you.

10:15

MR. CHAIRMAN: Thank you, Mrs. Green, for your deeply held convictions with respect to this matter.

Questions or comments? Dennis.

MR. ANDERSON: Yes. Nancy, you mentioned partisan politics and disagreed with the current system, I believe, as far as it deals with strong caucus control. How far would you go in changing that? Do you believe, for example, that we should retain the opposition and government roles and the question period, or should we be changing our system to a much greater degree to allow for individual votes on most items?

MRS. GREEN: I think we should be changing it so that there is more of a voiced opinion of the people in Ottawa than what we have now. That's why we're electing people to go down there and represent us, and right now I feel that that is not there.

MR. ANDERSON: Do you have any feelings about some of the mechanisms that we use in Ottawa and in Alberta, such as the question period, that adversarial approach to government which is part of our British heritage?

MRS. GREEN: I feel that decisions should be made by all the people who are elected to represent the people and that we should avoid going into a situation where they're made and then told to our elected representatives.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: Thank you.

Nancy, I'm deeply offended when you assume that our Canadian heritage is automatically British and English. My family came to Canada in 1646, so Canadian heritage is not strictly English and British. I'd like to make that quite clear.

I want to also ask you if you realize that in Alberta only 3 percent of the federal jobs are designated bilingual – 3 percent. Again you're making an assumption that there are hundreds of jobs that are designated bilingual.

MRS. GREEN: I'm sorry if you misunderstood me. There are a lot of people – in fact, even in this community – whose heritage is Dutch. Like I said, I feel heritage is born; it's not bought with taxpayers' money. I didn't mean to offend yourself, but I don't think that our government should be promoting anybody's heritage. The people of Canada have lived together in unity, and it's just been a greater divide that has been implemented in the last 20 years.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Yes; Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I think we're all trying to grapple with our country in the future and what the different options are. I'm just wondering whether you've given some thought to what Canada might be like without Quebec and whether that's a prospect that doesn't worry you too much or does worry you.

MRS. GREEN: I would hate to see Canada divided. I feel sorry for the people who are English-speaking Canadians in Quebec. I feel that it has been federal policies and laws that have divided the country, not the people.

MR. HAWKESWORTH: Do you feel the same way about French-speaking people in English Canada?

MRS. GREEN: No, I don't. I feel that in Canada or, let's say, anywhere in the world English is one of the more prominent languages. The government should not be forcing people to go that way, that they have to be bilingual in order to get ahead in either the government or a Crown corporation. That's very wrong. They should get out of the language business altogether.

MR. CHAIRMAN: Thank you. I think, having heard the previous speaker, perhaps you understand why our job as a committee is made very difficult by having to try and bridge widely divergent points of view. We've heard in previous hearings that Canada doesn't need provincial governments, that we should just have one strong federal government in Ottawa to do everything, on one hand, and on the other hand that we should have separation for western Canada. So we have a major task, but we do want to hear views of Albertans, recognizing that they do not all fit into one mold despite what some people in eastern Canada might think about the west.

Thank you very much, Mrs. Green.

MRS. GREEN: Thank you.

MR. CHAIRMAN: I understand that June Ecklund has not arrived yet. Then is Peter Wadman here?

MR. WADMAN: Yes.

MR. CHAIRMAN: Would you like to come forward now, Mr. Wadman.

MR. WADMAN: Mr. Chairman, I'd like to start off with a quote. I saw one time some 50 years ago, before I came to Canada, a quote in Dutch that said something like this: what you have done yesterday, you have the consequences to live with today, and what you're doing today is going to be lived with tomorrow as its consequence. We have to go back a little ways, I think, when we look at Canada today and there's a great deal of frustration and feeling of people not belonging here or not belonging there. How did we get there? When you look at Canada originally, you see a colony of England which happened to be partly French and partly English. However, slowly this colony became so that it felt like it was a country, and at the time of Trudeau, he figured he was going to make it official, and he got the Constitution back home from England.

I think that was a good idea. He had some more ideas that he thought were good which didn't turn out too well. I think one of them is bilingualism. In theory, it's a wonderful idea to have all these people in Canada speaking each other's language, and I still think that it should be tried. We should try in Canada vigorous programs in the schools. My heritage is back in Holland. As soon as I got into junior high, I had to learn German and French and English and Dutch. I think the Canadian school system is lacking something if we haven't a compulsory system for everybody from grade 6 up to learn each other's language.

However, that's different from what we are seeing today, where all kinds of people that have already grown up are thrown into this bilingual situation and feel very uncomfortable with it. I think if all people feel uncomfortable with a situation, or almost all of them, it should be changed. We know that the people in western Canada don't want official bilingualism. We know that the people in Quebec don't want official bilingualism. They want to talk French; we want to talk English. Why try on a compulsory basis to change that situation? Why not just let it evolve itself over maybe – I don't know – a lifetime, maybe more?

For the present time I would say do away with bilingualism. Let the people who are living in Quebec talk French. Let's not make an issue, even if it's a bad case of publicity, like what we saw the other day with this bus driver. I think basically that when people are in Quebec, they should be able to speak French, and basically when people live in western Canada, they should be able to speak English. Let's then try to get closer together by learning each other's language. I know it's important. I've been in a lot of meetings where I couldn't talk to my counterparts from Quebec except through the official interpreter, and that's not good. But it's not good to force it either. So I would like to state on bilingualism that official bilingualism should be abolished, except in the civil service in Ottawa, where we have to have a point where we all come together and are able to understand each other. I think if you take this official thing away from it, we can get along with each other fine. I've spent holidays in Quebec. I was there for nine days, and I never had any problem with those people. It's when we become official that we get into all these problems.

10:25

As far as multiculturalism is concerned, I think this was an invention to hide the official problems that we have with a lot of people of Quebec who feel they are actually Quebeckers first and Canadians second. Now, that makes it a very uncomfortable situation in a country. What can you do about it? Well, why not encourage all these other people not to feel too Canadian either? Let them feel like Dutch Canadians. Let them feel like Scotch Canadians, whatever have you. And they do. It's being proved every day. Every time something happens in the world, some part of Canada rises up and says, "You have to do this, Canada," or "We're in favour of this group here in the world." They forget all about that they came here to be Canadian. It's okay to have the Dutch choir come over here; I think it's some cultural value. But I came here and, I feel, 99 percent of the other Dutch immigrants came here to become Canadian, not Dutch Canadian. Forget it. I think if we do away with this multiculturalism in an official way, we will have better Canadians, who cheer for Canada more often than only when Team Canada or Ian Millar wins the cup.

Now, Mr. Chairman, that brings us to Quebec. What are we going to do about Quebec? Do they feel like I feel, to become Canadian? I have to say that I think they don't. If they really don't, maybe we have to give them a chance to live outside of Canada, because it's very uncomfortable if they don't feel that they are Canadian first. But we could probably convince them to be a little closer to us. There is a minority in Quebec who kind of influences the rest of the people in the way they want it, because when I talk to ordinary Quebeckers, I have never had too much problem.

Should they have a distinct society? Well, I find that a difficult question to answer because I don't know what it means. I'm dead against any kind of distinct society, whether it would be from the natives or from Quebec or from western Canada. We'd like to have our own distinct society, too, you know. You remember how we wanted to hold on to all this oil money. We weren't too much Canadian; we were Albertans. We had our own rights to keep that money.

If we are going to have any distinct society for anybody, I feel that it should be described. What does it mean? I think that's very important. Don't ever make the mistake that you are going to negotiate with people from Quebec when you don't know what you're talking about, because they are the smartest negotiators in Canada. I happened to be for years on a committee that was in charge of the milk quotas in Canada. When you dealt with the people of Quebec and you said, "Yeah, you can have this," you'd better make sure that you got what you wanted on the same day, because otherwise it would not be an influence to them. They don't look at, as they say in hockey, future considerations.

Now, Mr. Chairman, when we go and look at our government, many people are very dissatisfied with the way government operates, so we are looking at Senate reform. Senate reform would be a good solution, but I don't think it's possible, not in a triple E Senate, where people want a balance of power. We have to be realistic about this and say that if we were in the position that we had such big populations like Quebec and Ontario, how able would we be to deal with those people who wanted to have equal rights with us? I don't think that is going to work, but I say that if it could be done, I would be in favour of it.

Other people say that we have to have more provincial government power. Well, I don't think, Mr. Chairman, that the provincial governments in Canada have shown a better ability to deal with our problems than the federal government has. There are all kinds of things that I could quote, but I won't go into that. I'm not in favour of having more provincial power to provinces. I would be in favour of provincial powers to provinces as a whole; in other words, as a balance to federal powers. Last night it was over the radio that even the government in Ottawa now is talking about something like a council of provincial governments. While this is certainly a step back from the triple E Senate as far as the elected parties are concerned, because it comes back to the power to the provincial governments instead of elected Senate members, it certainly could be a balancing power if more power was given to a federal/provincial conference in some way, shape, or form.

I'm very confused about the Charter of Rights. I do realize that when people live in a civilized country, they should have rights. But just what rights, and just who determines those rights? I'm very confused – and I don't think I'm the only one – when I see that rights can be granted to people outside of the parliamentary system by courts. I'd hate to live in a country where the ultimate power goes to the courts instead of to the people, so that aspect of the Charter of Rights is very bad, in my view.

The other thing that bothers me about the Charter of Rights: I see all kinds of people in all kinds of different circumstances rise up and use the Charter of Rights for something. They just say, "Where does this country go?" We used to have the rights of the people determined by the feeling in the community. You did something or you didn't do something because you looked behind and said, "The community is standing behind me and will not put up with my behaviour." The community's sense of what was right and wrong could change, but the community kind of put the responsibility factor in the Charter of Rights. The Charter of Rights is useless if it's only rights and not responsibilities, and that's what we've done. We took the responsibility factor out. Every time the community says something, the individual says, "It's my right," and there's no responsibility laid down anywhere. We see very sliding moral obligations in the people of Canada as a result of that. You go down to the lowest common denominator; that's where your rights are going to end up eventually.

Now, Mr. Chairman, the last point that I'd like to touch on is the voters of Canada's rights. I think you're all familiar with the fact that when the Spicer committee went around Canada, they came back with all kinds of things that people had said. Actually, people said all kinds of things about the Constitution, but if we really look at it, the number one point is that they are not very happy with their public representatives. As it was expressed here by some speaker in this community a little while ago, I understand, the voters want to take Canada back. It has been expressed here before that we feel that we put somebody in office and then we lose all control because way back there there's some kind of a cabinet, whether it's provincial or federal, and it dictates what shall be done, and the people are not heard. I think that if a referendum were held today on capital punishment, there is no doubt where that would stand. But no, some people up on top decide what's good for the people and what's not good for the people, and we have no say-so. I think there is going to be quite a long dissatisfaction in Canada if you don't do something about that.

10:35

Now, there are, of course, different ways that can be done. Somebody – I think it was Mr. Jenson – said we didn't need any set dates for election. I think we do. It's ridiculous to have a system where the Premier or the Prime Minister says: "Now, this is the right time; we did the right thing at this moment. It's only three and a half years ago, but let's go, because today we can win." That's a ridiculous system. That isn't looking at the people at all; it's just looking at yourself, to get re-elected.

At one time in Alberta we had preferential ballots. I think that was a good system. We have hardly had a government anywhere, I think, except for New Brunswick or P.E.I., where they have all the seats. Outside of that we haven't had a government in this country that had a majority of the voters behind it. We always have a minority government. Somehow we have to change the system. When we have a government with a majority, we could have preferential ballots or we could have proportional representation, whatever way we want to go, but we should have some system that the people decide at the end of the election that they have the government they want.

Now, I think it's not a bad idea that they have in the States, and I don't think there's any reason why we can't mix up the British system and some other system if it suits us. I think it's good to have recall legislation. The people that we send to Edmonton or that we send to Ottawa or even that we send to the school board should be responsible enough that if the issue is raised, it should be possible that they would lose their seats by recall. It should not be made easy; it should be something very severe before it could be done, but there should be that possibility. I feel the same way about referendums. There are issues in this country, I think, that the people should have the right to voice.

Mr. Chairman, those are the points that I have made. I thank you for the opportunity to do so. I hope this wasn't just a matter of a hearing, but that at the end all the different voices that you hear . . . I realize that my presentation was something like one drop in a sea of voices, but I appreciate that I had this opportunity.

Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Wadman. You made some excellent points. I just want to say before entertaining questions that if you were negotiating with Quebec dairy farmers – you certainly added a taste of Canada which is unique. They are, indeed, if not the most powerful farm lobby in Canada, very close to it. I've had some experience in the GATT discussions, developing a Canadian position on agriculture. The Quebec dairy farmers wield a big stick, so to speak. I just wanted to make that comment.

Yes, Yolande.

MRS. GAGNON: I agree. You've touched on a lot of things, and I think the main one was the feeling of people that when they elect someone, they no longer have any say. I think part of that is because people don't know what happens in a caucus or a cabinet meeting. For instance, if Ty Lund goes to a caucus meeting, I'm sure he expresses the views of the majority of the voters, but you may not know that that view has been expressed.

So do you think that maybe cabinet and caucus meetings should be opened up to the public just so that people would know that, yes, their member was speaking out on their behalf but in the final analysis, because of the present system, the majority rules and you hadn't heard that they made their point or that they persevered with your point of view? Would that help, the opening up of those processes?

MR. WADMAN: I believe it would.

What I think would also be helpful: that outside of something like a budget, it would be possible for government members to vote against their party and for opposition members to vote with the government. We have such a rigid structure that nobody dares to open up anything.

MRS. GAGNON: It's starting to happen once in a while even in our Legislature. The opposition has actually moved a government member's Bill if time was running out. We're beginning to do that, and I think that's a positive step.

I would also like to ask you about voter input. If we have town hall meetings, I'm sure we've all had the experience of maybe 13 people showing up even if we advertised, made ourselves available twice a day in two different locations. Is this apathy? Or is it just that people are so disgruntled and think they don't matter anymore that they don't show up more out of anger or disillusionment rather than apathy? I'm really concerned. How can I represent them if they don't tell me what they want? Also, voter turnout is very poor in this country. Is that due to apathy or disgruntlement?

MR. WADMAN: Well, I think it's probably both, but I think one of the things is that it's being discouraged to feel that you're part of the country. I feel multiculturalism has been a very bad influence. The in thing to be is almost that you feel like you're not a Canadian; you're just here because it's a good place to work and to live. That isn't a country. It's a campground that we've made out of Canada.

MRS. GAGNON: I guess my last question then: do you think that if we use the processes that exist – like two earlier speakers said, the system works; we just need to make it work better – if we used what we've got, constituency associations and all of those kinds of things, and really were active there, this would be enough? Or do we have to overhaul everything?

MR. WADMAN: Well, there's one comment that I want to make on participation, and that is that I have to laugh every time an election is getting close. When an election is getting close, that is when the parties get active, trying to raise the people. I remember back when I was a kid, my dad was a fairly active member of a political party, and all these people were active all the time. I can remember that almost every month I had to go along with these cards telling them that there was a meeting. I hated this kind of thing, but I mean, all parties were active at the grass-roots level all the time. It seems that in Canada we've gone to this idea that when it's election time we see if we can get a thousand people out and make them all members. It only costs you five bucks.

MRS. GAGNON: In some cases it's free.

MR. WADMAN: They'll take you in. Oh, well, if you're 14; okay. In other words, if the people have to be active, then they should be active all the time. Their ideas should be developed in little groups of people in each town all the time.

MRS. GAGNON: Thank you.

MR. WADMAN: Here's the other thing that comes in, you know. The Conservative Party had a federal convention here not so long ago, and they felt that they really did something as far as grass-roots participation is concerned. Then they shut it down by saying, "Oh, yeah, all these resolutions were passed," but that doesn't mean that the government has to do anything like that if it doesn't suit the government. They all do it. I mean, the NDP dropped their thing for nationalization when they thought they could win the election, because that wouldn't be possible. They all cater to winning instead of to principles.

10:45

MRS. GAGNON: But maybe it's catering to people. If the majority of the people will vote for that, that's what they're catering to. We could debate a long time.

MR. CHAIRMAN: Well, the debate could go on for some time, and I think there are other people who want to get in.

Barrie, did you wish to?

MR. CHIVERS: Yes. Mr. Wadman, I wanted you to know that tomorrow we're meeting with Jacques Parizeau, who is the leader of the Parti Québécois and represents a view of constitutional reform in that province which is essentially: let my people go. I detect a sense of ambivalence in your position with respect to Quebec, and I'm wondering what you would say to Mr. Parizeau if you had the opportunity to speak with him tomorrow.

MR. WADMAN: Well, I would say to Mr. Parizeau that we hope that you can be with us, but you must be a Canadian. If you really feel in Quebec that your people cannot be Canadians, then there's no use being in Canada. In other words, you cannot have two countries and call them one. I hope that the people in Quebec want to become Canadians. I think they will when it comes to the crunch, but they should not be bribed into Canada. They should be willing to be in Canada. I have a very mixed feeling about it myself, because I really don't want to say to Quebeckers: "Well, we will give you this, this, and this" – and we have done that – "but be quiet and be Canadians." We have to say to them that they have to be Canadians just like the rest of us.

I like the people of Quebec. The best camping experience I ever had was in Quebec. I got along beautifully with those people that I could talk to during those many meetings with Quebec people. But you cannot build a country by saying, "Well, you should be in this country too, but we'll let you do this and we'll let you do that and we'll let you do that." That doesn't build a country. If we can't have a country, then I think it would be better that we have some kind of sovereignty association.

MR. CHIVERS: Mr. Bourassa has enacted legislation for a referendum in Quebec, and I'm just wondering what your position is. Would you be prepared to accept the result of that referendum if the result is to withdraw from Canada or secede from Canada?

MR. WADMAN: Yes. I think the people of Quebec should have that right.

MR. CHIVERS: They have a right of self-determination, in other words?

MR. WADMAN: Yes.

MR. CHIVERS: Where would that take you in terms of territory, in terms of separation?

MR. WADMAN: Well, I don't think that would be a problem because the people of Quebec have to live just like the people in the rest of Canada, and I think that it would be very well possible to make accommodations so that there would be no problem.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Thank you, Mr. Wadman. You've given us some interesting ideas.

A thought just popped into my head about recall. Maybe we should only let the people who voted in the last election participate in the recall, because one of the things that frustrates all of us is the fact that there is a low turnout at the polls. The odd thing is that the government which probably has the least impact on your life is the federal government, and you get 80 percent of the people voting sometimes. The next government, which has more impact on your actual day-to-day life, is the provincial government, and then the percentage falls down to 50 percent or less, as it was the last time. Then when you get to the municipal government, where the impact on your daily life is really great, you get 20 or 30 percent or something like that. It's a frustrating thing to us as politicians not to have greater participation.

MR. WADMAN: I would certainly support your idea to have the recall with those people that did the voting in the first place. I'm just as frustrated about that as you are.

MR. CHAIRMAN: It just popped into my head when you were making the suggestion.

MR. WADMAN: It's not only the politicians that fail their responsibility. We have to look at ourselves as voters and say that we are guilty too.

MR. CHAIRMAN: I was extremely impressed by your comment that if you're going to have rights, you must also have responsibilities. The responsibility is on individual Canadians to be aware of and be involved and concerned with what is happening. It's easy to shift it all off to the politicians, but if you're not participating yourself, I find it a little frustrating to have people criticize that we don't bother even to go out and vote.

MR. WADMAN: That was one of the reasons why I came down here today. I thought it was about time that I took my responsibility.

MR. CHAIRMAN: Good for you. Thank you.

Ross Watson. Welcome, Mr. Watson. Proceed, please.

MR. WATSON: Welcome. I want to thank you all for this part of the democratic process. It'll come out in what comments I have a little later on, but I think it's just excellent what you're doing. I'm a little nervous. I haven't spoken publicly for some time. You get a little out of practice, but my concerns are very close to my heart. At times it makes me angry.

MR. CHAIRMAN: Well, please don't feel nervous. None of us has reached over and bitten anybody who's appeared before us yet. So please feel relaxed.

MR. WATSON: I'll try. Thanks.

I am an Albertan. I'll give you a little history of myself before I get on to my other comments. I live in rural Alberta, near Eckville. I am a Queen's Scout. At 14 years old I traveled without adults to a jamboree in Scotland. After my high school matriculation I was one of the first to double graduate from the Olds school of agriculture. I took two two-year courses and took them in three years. The last two years at the college I was a student supervisor in the residences and on campus. After college I traveled through 21 countries of the world. I returned home and with my parents own and operate a three-section farm with a feedlot that turns over 1,400 to 1,500 head of cattle a year. I've been married for 15 years and have four children to help direct into tomorrow's Canada.

I want to touch on some of Canada's problems of today and the wrong directions that I feel we're headed. I feel that we have a very poor federal democracy, not provincially. I want to take a moment just to compliment Ty Lund on the advisory committee. I happen to be on it, and I think it's just excellent that we're drawing from the people, and that is what democracy should be all about.

Federally, every four years we're able to vote on a party that will run Canada. The election is almost always clear before we in the west are counted. Once the election is over, there seems to be only a handful of easterners that run the country, seldom asking those who pay the bills and who hire them what direction to move in. Government representatives must be constantly reflecting the wishes of his or her constituency and furthermore must be free to carry out those wishes in Parliament and not just follow the leader or get blacklisted. The metrics, GST are examples of this, I feel. I'm not saying that I'm opposed to the GST; I'm simply saying they're examples.

From time to time I hear people complaining about the raises in pay of our representatives in government. I want no brownie points for this. I'm simply commenting; these are my thoughts. My opinion is that we should place the income and the benefits at a level that will encourage businesspeople and corporate directors to enter office and encourage a reduction – again I'm speaking federally – in the poor and childish behaviour of: "Who should resign next? Who got a free airplane trip?" Of course, there have got to be limitations.

10:55

Keeping in mind freedom of speech, I would like to say that from time to time I'm disappointed in our media. I wish they were more accountable for what they say. It seems in various cases that the words and meanings can be twisted on the front page of a newspaper to sell it, and then perhaps an apology is found in small print on the back page. The damage has already been done.

A short comment on the Senate. I feel that it should be a priority to reform it. It must be elected people representing the provinces equally, as is the United States Senate.

Like I said, I am an Albertan, and then I'm a western Canadian. The way I see Canada now and in the past is similar to the Canadian cow. If you have not seen her, if you have not heard of her, if you're an Albertan, you have most certainly paid into her dearly. I can't understand – and there are a lot of things I can't understand because it's not my business – why in 1991 Alberta has the federal tax department gather some of Alberta's own tax.

I see Upper and Lower Canada still as a main population, and Rupert's Land out here in the west to draw from. Your discussion paper entitled Alberta in a New Canada puts some real numbers to part of the tremendous disadvantage we in the west have been under. This country is too varied in many aspects to have such power and control in one eastern-based government. If we want to look for a moment to the Americans and the power they have in their federal government versus the state, if we want to look at the Soviet Union and the states there trying to gather more control with their independence, I think it's something that Canada is just too large; we have to look at something similar.

I don't believe your paper covers such things as if we want a product sent to the west from the east, we must pay the freight, but if we sell beef, for example, we also pay the freight as if it went east, to base it upon an eastern market. Speaking about beef, the national tripartite is an example. If we use an example, we in the west sell for 75 cents a pound; the east will be $6 to $7 a hundredweight more due to freight costs; therefore, Toronto will be 81, 82 cents a hundredweight. The east is far ahead of the west whether there is a national payout of the tripartite or not, because it's based on a national average.

In my opinion, we must reduce the powers of the federal government, at least if we're to remain a nation. Why should Albertans continue to pull the cart that the easterners ride in? If a breakup of Canada as we know it comes to happen, we must be very careful not to leave the balance of power in the hands of Ontario with its large population. I am in no way, shape, or form wishing to become part of the United States, as I have heard, but there are possible trade alliance discussions between Canada and the northwestern States, and I would encourage this for the benefit of Albertans. In such a case – and I'm talking quite severely here – I hope that things can be sorted out federally, but I'm not so sure whether Quebeckers will pick up their portion of the debt if they part. Since the beginning of Canada, like I say, we have been at a tremendous disadvantage. In such a case if Canada were to break down, as we might put it, Newfoundland with its nearly 20 percent unemployment, in my opinion, might do much better if instead of their major income coming from oil, fish, and UIC, they look at oil, fish, and offshore banking. I feel that they would find it a much more rewarding life-style.

Unemployment insurance. Twenty-four cents out of every federal tax dollar goes to payments to persons, mainly unemployment insurance: 24 cents. This must be reduced to create an incentive to work. I hear from time to time that people who are under the UIC umbrella would consider working, but at the lower end of the pay rates of today find that they're better off doing nothing but riding on the government, which is us taxpayers. Some people have told me that to get on unemployment insurance is much more difficult than it used to be, so the plan is never let your name be erased from the records.

Health and agriculture are the most essential requirements for life. Food and health in some parts of the world are all that is required; there is no need for clothing, shelter. I know we need more here, but these are two areas that I think sure need some revising. In health I feel the abuse is tremendous by those involved – the doctors, nurses' union, the patients – and the fault lies with the program. I visited an internal specialist doctor recently. He pointed to a stack of files on his desk that would have been 10 to 12 inches deep, and stated, and I quote: whether I can help these people or not, I still get paid for it.

The nurses' union might be a little more hesitant in striking if the patients themselves paid a part of the increases directly. If the patients had to pay a small amount, they would think twice about perhaps unnecessary doctor visits or just use common sense to put a coat on if they're going outside in cold weather. I'm a strong believer in a user fee. It creates an incentive. If those on social assistance need to be paid more monthly to compensate on an average, so be it. All or virtually all users except the disabled should pay a small amount. The waiting lines for operations would shorten, and people that really require medical attention would receive it before their problems worsened. It's human nature to abuse it. I laugh when I compare it to food: let's say every three months we paid $1,000 per family for our food, and then we went to Safeway free of charge.

Agriculture: so essential for life. Part of the problem, as I see it, is created by farmers themselves; we simply overproduce for the population of the world that can pay for the food. The other part is government departments in charge. I believe the average age of the farmer is in the high 60s – I stand to be corrected on any of my points – and I'm sure you're all aware of that. This should be, and I think is, of great concern. Due to our tax system I know of a common tax deferral through the cash tax system – probably most of us know it – and that is to buy cattle or anything to offset your taxable income. I know of men in agriculture and also men not in agriculture with 1,200 to 1,400 head of cattle on this program, lots of men with a few hundred head. Let's say a man has 400 head that he has built up over a number of years not being taxed, and sells at $1,000 each. The market falls that year, and he loses $10,000 to $20,000. That's not an unrealistic possibility at all. He'll buy again, loss or no loss, or he will be taxed on all or any part of what he has not reinvested. How can a younger farmer buy into livestock against this tax deferral and show any reasonable cash flow or a balance sheet to a banker? I suggest the accrual tax system whereby you pay a portion of the tax on the inventory you hold. I believe it to be an important part in the livestock industry.

11:05

In agriculture federally we have the Canadian Wheat Board. I'm not saying that they're totally doing a bad job, but in my opinion they need some incentives. I believe they wait until the United States has established the prices for the new crop. Established prices: that means that the Americans have signed contracts with customers such as Japan and Saudi Arabia to deliver produce. Now, when Poland and Brazil are looking for grain, maybe the Americans sell them some, maybe they get rejected because the Americans have already tied up their market, or perhaps these other countries are not stable with collateral. They make a deal with the Canadian Wheat Board because Canada hasn't made quite so many sales yet. The grain is sent to their countries, and after years of Canada trying to get paid, Canadian officials write off the debt, tell the media that they gave those countries a gift, and just add another tax onto the Canadian taxpayers' shoulders. Gifts can be given to the Soviet Union, the King of Jordan, for a couple of examples, when we're somewhat short of gift material ourselves. We're getting increases in existing taxes and brand new forms of taxation laid upon us to cover these debts.

By the way, I'm not too sure – perhaps you people can answer me. Who do we owe the national debt to? Is it owed back to ourselves in CSBs and T-bills, or is it owed to another country?

MR. CHAIRMAN: Both.

MR. WATSON: Both? If it's to another country, that's different, but if it's back to ourselves, that's maybe part of doing business.

Furthermore, the governments of Canada have programs that look into developing new regions for production in our provinces, which just add to the surplus of supply we already have, to say nothing but a short comment in regard to the educating of, for example, China and India to produce their own food so that we have even smaller demand for our Canadian grains.

Immigration and human rights. I know of a 60-year-old German and a 65-year-old Hungarian, to name a couple. These two men came to Canada after the war; Canada was the promised land. They each had $14 to $17 dollars to their name. They were going to learn the English language and help build this country. There were lots of people just like that. Nowadays the immigration scene is far different, as I see it, with 100,000 people backed up – so the media say, anyway – wanting in here. The screening process, I've heard, is only 65 percent efficient, and criminals are making use of it. This is the promised land, all right: she has promised to shelter me, clothe me, care for all of my needs as well as some of my relatives that I bring in later, and if I get a job, she promises to provide me a two-year tax holiday in order to become established. The standards and hygiene of some of these people help to build resentment. People are not equal, and for those who think they are, they're just wishfully thinking. If you try to make people equal, you would have to divide their income daily, because some will always outperform others. We are individuals.

A quick comment on multiculturalism. I feel it should be reduced greatly. I have a partly Scottish origin myself, and if I wish to celebrate it, I can do so at my own expense. I know of a case where any coloured person was taken ahead of a white person while waiting in line in an immigration office, because of the fear of being sued.

We have human rights, gun control, jail inmates' rights with coed prison playgrounds, murderers' rights, rapists' rights. Their history cannot be brought forward to a new case, nor, as I understand it, can they be forced to take an HIV test. We have dog rights, cat rights: all of it makes for a real lawyers' haven. I do believe in a balance of common sense in regards to rights, but we're going in the wrong direction. It plugs up the courts; it's very expensive. I understand that 60 percent of federal Tories recently voted for capital punishment on premeditated murder. I believe we should be careful as to how high a standard of living is in our prisons. Those people are supposed to be serving a penalty for a crime committed. Recognizing the amount of work, risk, and expense in the police force to maintain a standard of respect, our courts must levy worthwhile penalties.

I have a newspaper quotation taken from the *Central Alberta Adviser* dated August 6, '91. In the article entitled "Handling the Job Interview," it reads as follows: "You don't have to answer illegal questions such as age, marital status, sexual preference, nationality or race." If the newspaper is correct and these are illegal, so that I could be sued if I ask a person's age if applying to work for me, where did my rights go as a taxpaying, law-abiding employer? Maybe I should look at a little more automation, cutting back to reduce the need for employees in my business.

Taxes versus incentives. I realize Alberta is the lowest or among the lowest taxed provinces in Canada. Perhaps we should compare ourselves with outside Canada; after all, we're not the only country in the world. I have to compare our basic corporate tax rate of 44 percent approximately and our personal tax rates of 40 to 50 percent with some of the states in the United States where the highest possible tax rate is 33 percent, and that is federal and state combined. The established system in Canada is: the more you work and make, the higher the rate and the more you pay. This is not what I call an incentive. Income tax is only one of many taxes. We have land and property tax, capital gains tax, mineral tax; we have fuel tax which more than doubles the cost of fuel, a goods and services tax and hotel tax – all that discourages tourism regardless of reimbursement possibilities for the tourist – surtaxes of one kind and another. How many times do you tax the same dollar? On January 1, '91, Americans applied a luxury tax on large boats and yachts, I suppose to get a bit more revenue. It backfired; 20,000 workers lost their jobs.

11:15

I have heard from stockbrokers of Ontario's 1992 budget proposal, one proposal being an inheritance tax and another being a net-worth tax. I'm told of the amount of investment in businesses that are leaving Canada. This loss will continue to increase in the future if this trend continues. It seems easier to slap another tax on the people that work than to create an incentive to produce for those who don't. More taxation is not the answer.

Ronald Reagan said one time that to survive there must be incentives. The U.S.S.R. has lacked incentives, and they have trouble feeding themselves now and in the past. There must be incentives to produce food, incentives to stay free of crime, incentives for the Canadian Wheat Board, incentives in medicare, et cetera.

Again, to the special committee, I thank you for the opportunity of expressing my concerns. You've heard from a lot of people, and I would like you to remember if nothing else from my comments three things: I feel we need more power in provincial jurisdiction, we need better government representation federally, and we need more incentives.

MR. CHAIRMAN: Thank you very much. You've given a very comprehensive view. Many of the issues you have touched upon relate to constitutional issues. Others, of course, are policy issues which we have to take into consideration relative to taxation levels and provision of services to people. We appreciate your thoughtfulness in coming forward.

Questions and comments?

Perhaps I could just pose a brief question, then, to you, Mr. Watson. The structure of government that we have in Canada: you didn't address it, other than to see a change in division of responsibilities, but we've had a number of people proposing some very radical restructuring of the Canadian political system. Do you see the need to do that, or do you think we can adapt the system to meet the needs of the people of Alberta and Canada?

MR. WATSON: I hate to pass the buck, but I think it depends on eastern Canada or central or Quebec. When I relate back to my cart comment, I don't mind pulling and pulling hard, but I'll be darned if somebody else is going to ride in it. I would like

Canada to stay together, but I feel that we have to have much more power passed on down to the provincial level because we're just far too varied. We're too large a country to have the power in one hand.

MR. CHAIRMAN: Okay. Thank you. You've made that point very well. I just wondered if you had any comments about the political structure which we follow here. Thank you very much for your comments.

MR. WATSON: Thank you.

MR. CHAIRMAN: Lawson Patten, please.

MR. PATTEN: Good morning. I do appreciate being before you and doing my responsibility as a Canadian, which 98 percent of Canadians don't do. They think they were hatched and their only responsibility is to be here in Canada.

I don't think I'm going to be so complimentary to the provincial or the federal governments. We've heard a lot of talk about problems we have and results but very little talk about the cause. Everybody can relate to a nail in a board in the yard: you step on it; you've got a hole in your foot. You go inside and put some antiseptic on it and a bandage; you've fixed the result. Unless you go out there and pick the damn board up, the cause is still there and you're going to have some more trouble down the road.

I am very concerned about what will be in the new Constitution. I will probably have very little power as to what is in that Constitution, but I'm looking at the result of the Constitution that we brought home. Do you know what I'm more concerned about? I am concerned that the new Constitution, irregardless of what is in it, will not be applied to every man, woman, and child in Canada equally. Let me tell you, if it is not, irregardless of what is in it, it will not work. That is common sense, and anybody that can't realize that is living in a dream world. There should be no exceptions; either we're all Canadians or we're not.

I may sound a little angry. I am a Canadian native. I was born and raised in a family of 13 in the hard times, so don't tell me anything about getting along with your neighbour or getting along with your own kin. I know all about it, and I'm still on speaking terms with all of my family. If the Constitution is not applied equally to every man, woman, and child in Canada, irregardless of race, colour, or creed, and you agree to it, then you are pushing those problems ahead for our children and our grandchildren to tend to, pure and simple. Very easy to get your butt off the line today, but think about tomorrow. Think about the results. Think about the cause. The cause is that we aren't doing our job now. As the friend earlier said, the Dutch-Canadian gentleman, what we sow today we will reap tomorrow. Be damned sure of that.

I say that we should have no special status in the new Constitution. We should have no special rights. I am a native of Canada, 57 years old, have been in the oil business for 43 years and agriculture and business. Believe me, I should have as many rights as any other 57-year-old-Canadian in Canada. I accept the idea that if an immigrant was accepted as a Canadian yesterday, he should have every right that I have. It appears to me that by using the yardstick that is being used in Canada, we should all have different varying rights depending on how long your ancestors were here. I'm sorry to say this, but unless we are all treated equally and integrated, not segregated . . . I have worked abroad in southeast Asia, South America, right with the people in the rainforest. I have many thoughts about that also. But they have done a better job of integration by accident than Canada did on purpose. We practise segregation. Your multicultural grants automatically put people in slots.

We have another problem. We have other people that don't want to be integrated, a segment of our society. I'm an angry Canadian. I was never let be a Canadian. I had to be a Scots-background Canadian. How can I be a Canadian when I'm not let be a Canadian in the census forms or any other forms that I get? That's wrong. How can you be a Canadian when they won't let you be one? You know why they don't let us be one? Because we've got first-, second-, and third-class Canadians. That's why, as far as I am concerned.

I have never relied on the system. I have raised a family of five, and when I see, both federally and provincially, people that we vote in, gave them our trust, that by law do not have to represent us – when I say "by law," I am talking of Willie Littlechild. I am sure that in Nazi Germany they were also representing parliament, as the decision came down here that their only responsibility was to represent Parliament. Now, that represents a dictatorship in any man's language no matter which way you look at it, by law.

11:25

I was very happy to see those young people here this morning, but I'm very sorry that they left so soon, because they are the ones who are going to pay the bills. They are the ones who are going to reap what we have sown and what we will sow. Believe me, when I am 85 and when my grandchildren come to me and say, "Grandpa, what were you doing when this was happening?" I can honestly say to them that I did everything in my power not to let it happen.

Some personal invitations were sent out to a group in Alberta to meet with you people privately. Am I black? I did not get that.

MR. CHAIRMAN: No, that's not true.

MR. PATTEN: Not true, eh? I hope not.

MR. CHAIRMAN: Public round table discussions is what we asked for. You've read something that interpretation . . .

MR. PATTEN: Good. Well, that's okay. We have a lot of the press that isn't quite so good. When a man gets 42 percent of the vote, the next morning they say that Mr. So and So is elected because he got the majority of the vote. Not true; he got 42 percent.

MR. CHAIRMAN: A "plurality" is the right word.

MR. PATTEN: Yeah. Not true, but the perception is there. Very much like we lost $1.3 billion through guaranteed loans, but 95 percent of our loans are secure. Does that mean that we have $26 billion in loan guarantees out? No. But the perception that they put on the front page of the *Journal* is that 90 percent of our guaranteed loans are good. Page 16 in section D, that we've lost $1.3 billion, doesn't jibe. As was said here before, the damage was already done on the first page, not on page 1 of section D.

We'll get on. I'm sorry if I sound quite cynical.

MR. CHAIRMAN: I just wanted to correct you on the private meeting concept. We didn't do that.

MR. PATTEN: You didn't do that. Okay. Time alone will tell. I hope you didn't. I'm from Missouri; I have to be shown every time that I'm not a third-class Canadian.

Our MPs and our MLAs complain that we do not give them enough respectability. Well, gentlemen, this is the way it goes. First of all, you must have accountability; then you get credibility; then comes respectability. It won't come any other way. The Canadian public in general are very angry. I am probably average for 75 to 85 percent of Canadians. I am average. I may be a little outspoken, but I am average. I travel around the three western provinces, being a consultant in the oil field. I'm into agriculture, and I get to hear what the grassroots say. I am very disappointed that these sessions have to be held, because it is an admission by our elected representatives to say that they do not know what the people think. We hire you and pay you very good money and benefits to know what the people think. Maybe you should spend more time asking the people what they think and not discourage them like our federal Prime Minister did by calling them nincompoops and so on and so forth. It is very easy to bury the head in the sand, very difficult to accept criticism. Believe me, you will not get respectability until you have accountability and credibility.

I believe in the right of recall. Not to be frivolous but people are people, and in order to arrest a democratic dictatorship, we must have accountability. We are not getting accountability, have not had accountability, and as a result we sit in the position of being deeply in debt both federally and provincially. I do not see accountability coming about without recall. We have to, as the people, have some control over our elected officials. We must not have a democratic dictatorship, "democratic" being six weeks out of every four years. We can't stand that, because if you call that progress, I hope we stop it now.

I'll get off your case. I'll get to Quebec. I would like to see Quebec in Canada but not at any cost. No appeasement. Some of us are old enough to know what appeasement can do, and that's what we have been doing. If you are meeting with the man tomorrow, I agree with the previous speaker: if they want to be Canadians, that's fine, but if they don't want to be Canadians, so be it. If I've got cancer of the foot, I hate to lose that foot, but if I don't cut that foot off, I'll lose my leg, and if I don't cut that leg off, I will lose my life. That's what appeasement does. What are our children and our grandchildren going to do in the form of appeasement if we allow this to happen? Ask yourself that question. If you can morally feel good about appeasement now and let your children and grandchildren deal with it later, I think that you're a very poor Canadian, believe me.

Multiculturalism is automatic segregation. Doug Main wouldn't agree with me, because he has a biased interest. Culture and religion are very similar. If you feel that your culture is important to you, you can practise it and maintain it, very much like your religion. The government has no business – mind you, it does collect some votes – in multiculturalism, absolutely none. It has caused more divisive things in this country than it has repaired. I say again that I don't care about your race, colour, or creed. If we are not governed by the same laws and treated equally under those same laws, no matter what is in the Constitution, it's not going to work.

I don't want to be a "Canadian but": a Canadian but this group of people have special status, a Canadian but this group of people have special rights. I don't want to be a "Canadian but" but a Canadian. In order to be a Canadian, I must be treated equally in every way, shape, or form. I'm sure everybody in Canada must realize this.

I worked in southeast Asia. We class them as Third World countries, and they are in a lot of ways. In a lot of ways they're ahead of us. We spend good money to send a lot of learned people there, and it always amazes me how they come back with so little knowledge. The nine southeast Asian countries I worked in had an unemployment rate of 3 or 4 percent. These are countries that are 10 times as old as ours. I maintain that in Canada we are a young country. There is no shortage of work to be done and there will not be a shortage of work in the next 10,000 years, only a shortage of administrative planning to get that work done. I say that if federally and provincially we admit to over 4 or 5 or 6 percent inflation, our administrators are admitting that they're a failure automatically. It is not healthy to pay people not to work, and that is actually what we are doing. We have no shortage of work to be done, only a shortage of planning and willingness to get it done.

11:35

I may sound very angry, and I am, and there are a lot of other Canadians out there with me exactly the same. We feel we're not being listened to, and I don't think there's any doubt about that. Irregardless of all the assurances we get, there are a few intelligent minds out here that can sort these things out. I agree with you and I sympathize with you when you say that Canadians are too complacent. I don't care if a person disagrees with me, but when he's got no opinion, I then know he's brain-dead.

I thank you for this opportunity. I'm just disappointed that our elected representatives aren't aware of how we feel.

Thank you.

MR. CHAIRMAN: Ms Betkowski.

MS BETKOWSKI: Mr. Patten, thank you for your presentation. I have two questions to you. Firstly, on your last point about an elected person reflecting the views of their constituents, I guess the problem we all face is that sometimes our constituents don't have the same view and in fact are quite divided on their views. That's always the challenge of the elected person. I'd be interested in any thoughts you might have on how we might better deal with that reality in our constituencies.

MR. PATTEN: Well, there are two ways you must do that, Nancy, and that's both in and out of the Legislature Building. The people that are elected by the majority or the minority but are in power, irregardless of whichever it may be, are not the only people. They do not have a lock and key on intelligence.

MS BETKOWSKI: Agreed.

MR. PATTEN: Just because it is an opposition idea – nobody but nobody has a monopoly on intelligence. Petty politics has no place in Canada any longer. Patronage has no place in Canada any longer. We are fed up with the cost of it, with the pettiness of it, with the child-like manners that are being exploited. We don't like it, and why should we?

MS BETKOWSKI: I've got one other question for you. I wonder if you'd give us your thoughts, because one of the issues we've been dealing with as a committee is the whole issue of native self-government. You didn't mention your specific position on that.

MR. PATTEN: I will. What has been your experience with any of this to date? I'm asking you the question.

MS BETKOWSKI: With native self-government? It doesn't exist, sir.

MR. PATTEN: In various ways it has. Now, tell me the truth. We must get at the truth. In order to give you an honest answer, I must know the truth. It hasn't been too successful, has it?

MR. CHAIRMAN: Well, there hasn't been such a thing.

MS BETKOWSKI: There hasn't been such a thing. But, sir, if I may define my question better. One of the premises of your presentation is that we should all be treated equally.

MR. PATTEN: That's right.

MS BETKOWSKI: The native people in this country are given a certain status. There's the whole issue of land claims. One of the things the native people are saying is: we want to be part of the mainstream of Canadians; we want to have part of it native self-government. That's why I'm asking you the question.

MR. PATTEN: All right. I will return it. Do you want to practise segregation in Canada?

MS BETKOWSKI: Well, I don't think I have the luxury of a personal opinion on this committee, sir.

MR. PATTEN: Well, I think you probably should as an individual. I don't look at you – I'm talking to you personally right now; you're talking to me personally. I am not talking politically; I am talking right from here.

MS BETKOWSKI: So would you believe that Indians, for example, should be given the right to be like any other Canadian and not have a certain special status that some would argue they have now?

MR. PATTEN: Well, unless you agree that depending how long my ancestors were here and the immigrant that came in yesterday – we should have varying rights, then I think you've answered your own question.

MS BETKOWSKI: Ergo, you believe in native self-government.

MR. PATTEN: No. Now, I do not agree. Under the law, the man that was convicted five times of impaired driving that gets off on probation – is that going to be if he commits that crime on the reservation, or is he going to be treated like everybody else when he's off the reservation? What's the situation going to be?

MS BETKOWSKI: That's exactly the question, sir.

MR. PATTEN: I think you're opening a can of worms that will cause so much trouble for my children. That six-year-old native child that starts school today and my six-year-old grandson: when they realize they're treated differently, you're going to be in trouble. You cause racism. It's divisive, and it will grow. We think that we have a monopoly on intelligence in Canada, that civil war is not a possibility or civil unrest is not a possibility. We are a young country. We don't have any monopoly on intelligence. If we allow this to happen, you are segregating the Canadian population and you are putting a whole pile of problems onto our children and our grandchildren, be sure of that.

MS BETKOWSKI: Thank you.

MR. CHAIRMAN: May I just make a comment before Yolande comments. I'd guess that maybe 90 percent of the legislation that is passed by our Legislature is passed by the unanimous vote of all parties in the Assembly after some debate. Maybe 10 percent, maybe 15 percent of the legislation that is passed in our Legislature in Alberta has a division on parts of that legislation.

MR. PATTEN: I guess, Mr. Horsman, I must say to you that you have too much power by order in council.

MR. CHAIRMAN: Well, that's not the point.

MR. PATTEN: It is the point.

MR. CHAIRMAN: Well, just listen for a moment. You made the point that you get the impression that we are constantly at each other's throats in the Legislature.

MR. PATTEN: No.

MR. CHAIRMAN: Well, you made that point, and that's the point that at least I received in your message. There's a good deal of co-operation amongst the political parties in working out legislation. There are certainly some disagreements on matters of principle from time to time, but the thing is you don't hear about that, Mr. Patten, because it's good news.

MR. PATTEN: Well, the only reason that we don't hear about it is the secretive things that go on up there.

MR. CHAIRMAN: Oh, nonsense.

MR. PATTEN: It's okay. You can get by with the other 88 percent that don't give a rip and don't take the time to know what's going on.

MR. CHAIRMAN: Please. There's *Hansard*. Do you subscribe to *Hansard*?

MR. PATTEN: Yes, I do, sir.

MR. CHAIRMAN: Good. Well, then you know very well it's all done in public.

MR. PATTEN: And believe me, I am not only knocking you, because my belief is in Canada today. We've given you a pretty free rein over the past years. We haven't watched you very closely, both federally and provincially. We realize now that the job we thought you were doing you were not doing.

MR. CHAIRMAN: Mrs. Gagnon.

MRS. GAGNON: Thank you.

You mentioned that everybody should be treated equally, and I want to pose a facetious question. If you were sitting here, the only man with – how many are we? – seven women and somebody addressed the panel and said "ladies," how would you feel? Because you just did that to Nancy and I a while ago. You said "gentlemen," as if we don't exist.

MR. PATTEN: I believe in equal rights for both sexes. I'm sorry if I did that, to offend you. However, I'm offended every day by some of the actions that are sitting right in front of me.

MR. CHAIRMAN: Is there anything you like about Canada?

MR. PATTEN: I have told you that I am an angry Canadian. It didn't happen overnight. It took a long time.

MR. CHAIRMAN: Thank you.
Ken Harrison, and ElizaBeth Harrison-Cain.

11:45

MS HARRISON-CAIN: Good morning, ladies and gentlemen. I'm glad you addressed that, Yolande. If you hadn't, I was tempted to say, "Good morning, ladies." But I didn't really want to have to do that.

I'd like to say that we appreciate very much this opportunity to state our opinion and to hear that of others. We feel strongly that this process, combined with other information-gathering systems including a referendum system, should be the rule rather than the exception in provincial and federal politics.

In observing the recent debates over the Constitution in Alberta and Canada, Ken and I have been particularly struck by what we see as doom and gloom assertions that this is a crisis. We don't see it as a crisis. We see it as an opportunity, one that has been coming for some time. I think the Constitution has worked well for us for many years, but it is time for a change. This is an opportunity to restructure the political decision-making mechanisms in Canada, most notably, in our opinion, to decentralize that process, to bring it closer to home, and to put it directly into the hands of Canadians. Specifically for us, it's an opportunity to make some new definitions as to how Albertans participate in the government of Alberta.

In reading the previous presentations to this task force, we were able to agree with one presenter from Quebec in particular. I should say that I was born and raised in Quebec, so I feel like I have some right to say that. I'm speaking particularly about Lise Bissonnette's assertion that Albertans, and I assume she means all provinces, should be proactive in their stance in formulating and clearly stating the provincial position of what we stand for – how we see ourselves participating in Confederation, what we want from Confederation as a province, what we're willing to offer – instead of merely reacting to the demands and threats of other parties in Canada. We feel that it's only from that clearly defined Alberta position that we can begin to negotiate with the rest of the provinces.

With that in mind Ken and I have formulated a proposal for constitutional reform, to which we would ask you as this task force, and through it the government of Alberta and the government of Canada, to give serious consideration. We've framed our approach to constitutional reforms in terms of a decentralized problem-solving and decision-making process, and from that place we would then see decisions being made as to the distribution of responsibility among the participants of Confederation, most notably to the provinces. With this clearly defined decision-making process or framework in place, the parties concerned will have a formula for negotiating specific issues using the input that they have gathered directly from their constituents. At the core of our position is the notion of participatory democracy. We hope that you people as members of this task force have noted from other presentations the frequently cited concern about secrecy and exclusion of public input as a major contributor to the failure of Meech Lake.

MR. HARRISON: With that in mind I will articulate a bit of our proposal, which again I would hope you'd consider including in the Alberta position. To bring the decision-making process closer to the people is the key here, and to represent regional or provincial interests, if you like, we are proposing what has probably been before you before: a province-centred federation that is founded fundamentally on absolute equality in which no province, race, culture, group, or gender has special status. In this system we would expect that the House of Commons would function pretty much as it does now, certainly with the principle of representation by population, which I think is a reasonable principle.

However, to address regional and provincial inequities that also follow that kind of principle – that is, the principle of representation by population – and of course to provide a balance to that, we're suggesting that there be a system of provincial ratification of legislation coming out of the House of Commons. Any legislation coming from the House of Commons would then be submitted automatically to each province. Through our legislation we would look at those laws and ideally with input from the public again present a provincial position and ratify the law accordingly. Now, it would be reasonable to have an adequate time limit on that, of course, and failure to respond in that time would obviously capitulate to ratification.

In addition, it would also seem appropriate that we would have a hierarchy of legislated areas, some of which, like constitutional change, that would require consensus and others that would require less, at least a majority. Our preference is that it'd actually be a fairly strong majority. It's not adequate to have a very large portion of the population, even though you get a majority, left out of a decision-making process. In addition, there would be provision for revision to any legislation that comes to the provinces; that is, the provinces can agree as a group to send it back with these changes: that sort of thing. In addition, obviously there'd need to be a legislative window for the community of provinces to send laws to the House of Commons to be discussed.

Of course, as we'll get into later, we reject categorically the executive decision-making that we've seen in first ministers' conferences and that sort of thing, but to facilitate information-sharing between provinces, it would be reasonable to have something like a minister of intergovernmental affairs meeting with counterparts in the other provinces to share information. Ideally that person would be apprised of what legislation is before the House of Commons and would be anticipating the problems other people might have with it, or at least other provinces. So there would be first minister type meetings only with these ministers to gather information from other provinces, to share information with other provinces about in this case the Alberta position, and to get feedback and take it back again to the people to discuss. Again like a lot of other people I guess, we are very much in favour of these meetings being open and no secrecy; this is totally unacceptable in this day and age. We also have a particular rider on that: that Premiers should be excluded from those things. There's too much opportunity for grandstanding and power manipulation.

In this provincial ratification model we are also, as you might guess, rejecting Senate reform. Our position is that the Senate should be absolutely abolished. There should be no Senate. While Senate reform with the triple E is often touted, it kind of mystifies me because we're supposed to be formulating this Alberta position. But if one listens to Don Getty, there already is one, and it's a triple E Senate. Nevertheless, the point is that while Senate reform of the triple E sort may resolve the inequities of power distribution – that is certainly a legitimate concern – our provincial ratification model I think just as adequately addresses that imbalance and, most importantly, does so without introducing another level of government in another political arena. We simply don't need another level of government, another election process, or more politicians living in Ottawa. We have enough of that. Of course, in the bottom line in terms of our assumption, our premise of participatory democracy, you have to ask whether a reformed Senate will actually result in more public access to the decision-making process, and we doubt that it will. These people will likely spend most of their time in Ottawa politicking and not be in a position to write to us.

In addition, a triple E Senate also implicitly violates the notion of decentralization in decision-making. It leaves the decision-making in the hands of a few who, as I say, are probably going to be largely inaccessible to the public that might want to participate at least. The bottom line here is that it's not brought closer home to the people. Personally, our own experience and belief is that by having ratification processes, we'd have more access to that decision-making ourselves. Both of us have experienced ability; we can access and influence Ty Lund here. That's not true for our MP, not nearly as true at any rate, and I'm quite sure that wouldn't be true for a Senator either. Particularly I've heard numbers of 10 to 12 bandied about. That's too small a number for most of us to get to access and have input to.

11:55

We'd also like to point out that the provincial ratification process is more in keeping with the historical precedents of provincial representation of provincial interests in the federal arena. Historically, provincial Legislatures and Premiers – particularly in Alberta, as far as I know – have been very active in presenting our position, and it seems redundant to generate a Senate that is going to do the same thing. Of course, the question then becomes: if we do have a triple E Senate, does that mean that provincial cabinet ministers and Premiers are no longer going to discuss issues in the federal arena? Well, it's very unlikely actually. I'd also like to point out that in this proposition the two Es of effectiveness and equality are actually included, so if your concern is election, effectiveness, and equality, that's still included in the provincial ratification model.

Finally, just to highlight this idea of executive federalism again, just to make a statement, it's totally unacceptable in an open, participatory democracy for a single individual to articulate and negotiate a position for Alberta without extensive input from the public. This kind of executive federalism is highly elitist. It's antidemocratic and, more importantly, denies the province this full capacity for information gathering, problem solving, and decision-making.

Okay. Well, I guess a final point here is that . . . No; go on. Sorry. That was sort of impromptu there.

MS HARRISON-CAIN: We said it somewhere.

Obviously the role of the federal government that we envisage is greatly reduced. However, in order to preserve the quality of life and hopefully continue to improve the quality of life in Canada, we feel strongly that there should be some minimum national standards. We may have left some out, but we thought particularly of the areas of rights and freedoms, the monetary system, education, health, social services, environmental protection, national defence. Personally, I would add a guaranteed annual income to that list, but I don't expect that to come very quickly in Canada. These national standards would be defined by public input to provincial information gathering systems and submitted by the provinces through the federal government. Once these minimum national standards had been set by an agreement between the House of Commons and the provincial bodies, responsibility for functions would be assigned either to the province or to the federal government, obviously with the provincial government having a high degree of influence on their role. I would envisage a form of federal ombudsman who would be available for appeal purposes should an individual feel their province has failed to meet the minimum national standard, and should the ombudsman uphold their position, the onus would be on the community of provinces to ensure that the province in question fulfills the minimum national standard.

We propose the deletion of a federal tax collecting system and suggest that instead each province collect its own taxes and transfer funds to the federal government rather than the existing system.

In the system we're proposing, no province would be in a position to opt out of minimum national standards.

MR. HARRISON: The next stage in this process, once we have this decision-making program in place, is to address some obvious specific points. Certainly we strongly support initiatives being undertaken by two or more provinces to establish relationships with one another; that is, that Alberta, Saskatchewan, and perhaps Manitoba can get involved in a communal grain or farming program that wouldn't necessarily be relevant to Ontario or Newfoundland or something like that. The idea here again is that this translates into a proactive conscious opting in instead of this notion of opting out. I think it creates some negative connotations as to what provinces and even the federal government are doing by having this notion of opting out. It's far better, I think, in terms of including people and having choices to be included. Certainly it gives the province some authority to influence how effectively and efficiently their services are provided by having this ability to share responsibility with other governments. Examples here might be telephone systems, transportation systems, certain economic development initiatives, and that sort of thing.

Attendant to all this, not necessarily relevant to this task – what we would like to mention is that implicitly this means there's going to have to be some change in the Alberta structure as well outside the federal Constitution that we're dealing with here. As we take on hopefully increasing decentralized powers, taking responsibility for those things, we're probably going to have to change our system. As we've asked for this notion of participation from people in that we now are requiring the legislation to ratify federal laws, you're obviously going to need some more help, so you may have to increase the number of MLAs to take on that extra workload and be in a position to contact or get in touch with all the people who might want to have input. Another way of doing that, of course, is referenda, and in this day and age with the technology and the fact that all of us can have access to an ABM, there's certainly no reason we could not be very efficiently and probably quite cost effectively having a lot of referenda in the province at any rate.

MS HARRISON-CAIN: Obviously, if the powers that be saw fit to implement our proposal, we would be able to end it here and have you go back and put that system in place and then come to the people of the province of Alberta and ask questions on some specific issues. Since we're not quite sure where it's going to go, we decided to include some specific issues at this point in time, the monarchy being one of them.

While a lot of us enjoy following what have come to be soap-opera-like exploits of Anne and Fergie and the rest of them, I think we perceive the monarchy as being an outdated, paternalistic, elitist system, and we believe our ties to it here in Canada should be severed. We think that money currently being siphoned off our taxes to support the institutions of the Governor General and the Lieutenant Governor should remain in the provinces, its use to be determined by the people. We feel that those legislative obligations now being served by a Governor General or Lieutenant Governor should be incorporated into either the federal or the provincial system. We propose that there are many great Canadians available to perform symbolic and social functions and that these tasks and expectations should be removed from your job descriptions and those of federal government representatives. We feel that your job is to represent the province and the country and you need to be freed up from those kinds of things, and we need to be free from having you forced into the position of using them in an electioneering process.

MR. HARRISON: Another point, of course, was presented previously in your round table discussion. It is the question of what happens to the territories. Certainly we are in favour of giving the territories provincial status as soon as possible. It's leaving out not only a fairly large landmass in the participatory democracy but the people that live there. I think that should be a priority.

Also, there have been a lot of questions raised about the notion of the judiciary, and I get a sense that this is coming mostly from politicians than from the public. We're going to address that in a few ways. Certainly we propose that the members of the judiciary be chosen at the federal level by a selection and review board – not this patronizing thing the Prime Minister does – composed of members both from the House of Commons and from respective provincial assemblies or Legislatures. Another important key to that is that they have clearer selection criteria in this and they cannot be varied. This is to prevent the political patronage that far too often goes on. We envisage this same selection review board would also review decisions made by the judiciary to determine if in fact court decisions are reflecting the guidelines judges have for making those decisions. One of our solutions to what this problem seems to be is that if you have clear guidelines a judge is to use to make judgments about any legislation, you may reduce the amount of conflict and disagreement on this. The other point of course, as has been cited before, is that ideally the best solution to all this is making new legislation very clear and not prone to extreme interpretation.

12:05

Another point is that those of us who are not lawyers would certainly appreciate that legislation be written in common language and not legalese and not only relieve us of what it costs financially to enlist all those lawyers but give us the opportunity . . . Some of you have asked questions about how to get people involved in the political process. Well, as you may well know, it's very tiring to try and read an awful lot of legislation, and if these things were clearer and more precise and non-legalese, you might actually enlist more people participating.

MS HARRISON-CAIN: One of the very difficult specific issues we have to address as Canadians is the whole issue of aboriginals. In some ways I feel that we're taking a somewhat hard-nosed stance, but it seems no matter what you do in this regard you end up being perceived as racist.

We believe that the Indian Act is outdated, paternalistic, and it gives special status to a group. We feel that by giving special status, you are in fact encouraging racism rather than doing away with the process of racism. If we were to give special status, we would give special status to Quebec and natives by way of amending the Constitution to allow more autonomy for all people in each province. Quebec would have more autonomy within Quebec and natives would have more ability to influence their provincial systems.

What this means in our mind is that land claims must be settled once and for all. We would see title to reserve lands now held in trust for native people by the federal government given over to members of the respective reserves. I think at that point it would be their decision as to whether they continue to hold the land as a group or give it out to members or sell it or whatever they choose to do with it just as any other Canadian would. In those provinces where treaties were not signed and a settlement needs to be negotiated very quickly, again, once and for all a final compensation in land or money or a combination thereof. I think this has to be time limited, and it needs to be finished so we can get on with being Canadians. Once that's done we would see Indians playing the same role in Canada as do the rest of the citizens, but we would hope that with that status for native people and with decentralized responsibility to the provinces, the provinces would then take on the task of solving problems native people have: the unemployment, the poverty, all of that. I think that's a provincial responsibility, and at the present time we're really hampered because of the lack of clear direction. The federal government reneges on that responsibility, and that should be a provincial responsibility.

I think the degree of onus and freedom on native people to practise and retain their culture systems and values is the same as with any other particular cultural group. I see that as somewhat different from the arts, by the way.

The other issue is bilingualism and language. What I've just said about cultural freedom and responsibility I think also applies to language freedom and responsibility. The onus and freedom to teach and practise their language lies with that group. However, we feel that the decision to be bilingual should lie with each individual province, and the federal government would then provide services to each province in the language of choice of that province. Rather than providing bilingual services to Alberta where we have a minimum need for bilingual services, the federal government would only provide services to us in English unless we as a province made the decision to be bilingual. If a province made the decision to be bilingual, then I would see it being our responsibility to pay out of our tax money to the federal government to provide federal services in the second language. I think it's becoming pretty clear that if any of you have been to Banff lately, that is rapidly becoming a Japanese community, and I can foresee the day when we might want to make Alberta bilingual Japanese and English as opposed to French and English. So I think every province should have the freedom and responsibility to make that decision and pay for it.

MR. HARRISON: In summary, I guess we'd just like to again encourage you to consider this model, particularly in terms of its participatory democracy aspects. We'd encourage you to proceed in a stepwise fashion and start with establishing a decision-making process first. This whole Constitution is a very large, complex issue; there are a large number of issues involved in it. It seems like taking off a big bite to try and settle the decision-making process and the divisions of power and authority all at the same time.

Certainly as a couple interested in participating and providing feedback on all these processes, we feel particularly at a loss for some information. We could envisage that you would settle the decision-making process and then come back to us with more information about authorities and responsibilities and more round table discussions and feedback from the public so you could then make the decisions on exactly how decentralization will occur. I hope you will proceed in that direction.

Thank you.

MR. CHAIRMAN: Thank you very much. You've given us quite a lengthy and comprehensive proposal. I think we could probably engage in quite a lengthy discussion, but time doesn't permit us to do that. I want to just make a quick comment. You mentioned the Premier saying that we have a position with respect to triple E. The reason for that, of course, is that the Legislative Assembly has on two occasions unanimously passed resolutions committing our Legislature to that concept. Until such time as that is changed by a subsequent resolution of the Legislature, we as a government are bound by that as we are bound by any Act or piece of legislation. So that's the reason.

MR. HARRISON: I guess the feedback I'll give you on that – particularly when we're talking about your complaints that people are not participating – is that it looks like a fait accompli, that it's already settled. As a matter of fact, in terms of some of the comments you made over the summer, I briefly hesitated in participating in this because it sounded even more so.

MR. CHAIRMAN: Well, that's the reason, and until such time that . . .

MR. HARRISON: But often there are things before the courts that you people refuse to comment on. Why would you not also hold that in abeyance at this time?

MR. CHAIRMAN: That's why we're holding public hearings. And I've said until such time as we are convinced by public hearings and public support that the position should be changed and we take a resolution back to our Legislature to change it, it's the official policy of the Legislature. So that's a particular point, and what you're proposing here, of course, is a radical restructuring of the Canadian system. There's no doubt about that, and therefore those proposals will have to be given careful consideration, which we will do.

We have time for a couple of brief questions. Bob indicated earlier that he wanted to ask a question.

MR. HAWKESWORTH: Thanks, Mr. Chairman. I'd like to express my appreciation for the fact that you've given this some thought and have come forward with a positive suggestion of how the system might be reorganized. Just so I understand what you're proposing, at the moment the federal government is looking at a new policy for our armed forces. Traditionally that's been exclusively a federal government area of jurisdiction. Would you see this as being an area where the federal government would introduce a Bill in the House of Commons regarding the armed forces and then it would be given to each of the 10 Legislatures? A majority of some kind or another would have to adopt that, and then it would go back to the House of Commons and it would ratify the decision taken by the provincial Legislatures.

12:15

MR. HARRISON: It's not much different than it is now. Legislation is passed by the House of Commons, and it goes to the Senate.

MS HARRISON-CAIN: Except in this case it would be to the province, rather.

MR. HARRISON: You're just replacing the Senate with the provinces.

MR. HAWKESWORTH: Replacing the Senate with the 10 Legislatures.

I guess my question then is along the lines of: what would the role of the Member of Parliament be? Wouldn't it maybe be better simply to have some clearinghouse administrative structure that might co-ordinate the decisions that would be taken? Virtually everything then would fall under the responsibilities of the 10 Legislatures, and I don't see what the role of the House of Commons would become then.

MR. HARRISON: Representation by population. That principle still has to be there. Ontario, and Quebec if they remained part of the country, of course would never agree to that, and appropriately so. This is the whole balancing process. In a lot of ways it's not much different from what I see that the triple E Senate is doing. It's just that it's putting it in a different place than another body of elected officials.

MS HARRISON-CAIN: And giving more power to the provinces.

MR. HAWKESWORTH: Okay, then. One of the options facing Canada is a sort of sovereign group of provinces, I suppose, negotiating an association with a sovereign country of Quebec. That's the sovereignty association option that I think is in front of us for the future. Would you consider that a viable option? How is your proposal different from what Mr. Parizeau might be proposing?

MS HARRISON-CAIN: I think that goes further than what we're proposing. I think that decentralizes much further than what we're proposing. We're still seeing the minimum standards of Canadian life as what holds the provinces together and that there is some mechanism in place to ensure that that's upheld. I think what Mr. Parizeau is suggesting is much more decentralized than what we're suggesting.

MR. HAWKESWORTH: Okay. I think I'm still a bit confused, but I note the time pressure we're under, and perhaps I can take you aside.

MR. CHAIRMAN: We're going to have to move fairly quickly to adjournment because we have to be back at 1 o'clock for additional presenters. We're all human and need something to eat, and other things have to occur as well.

Barrie.

MR. CHIVERS: With that introduction, Jim, I'll be very brief, as I always am.

The area that I wanted to focus on was your comments with respect to a judicial selection and a review board. This is, to my knowledge, the first time that suggestion has been made to the committee. What I'm wondering about is: you'd mentioned that it would have representation from the House of Commons and the Legislatures of the provinces, so I assume that the judiciary would still be a federal power, at least with respect to certain dimensions of the judicial system.

MR. HARRISON: That's right. As much as Mr. Horsman has called this a radical position, we're not really changing much of what already exists in terms of the House of Commons and certain existing federal responsibilities.

MS HARRISON-CAIN: However, I'd like to add that I think if the provincial Legislatures' laws were much clearer, a lot of those things wouldn't need to go to the Supreme Court of Canada.

MR. CHIVERS: What I'd really like to pursue with you is the suggestion of criteria, but I don't think we have time to do that now.

MS HARRISON-CAIN: I'd like to do that too.

MR. CHAIRMAN: Thank you very much for coming forward and for following this so closely and having taken the time to read through the round table discussion papers as well. Not too many people did that in Alberta, but those who did I think would have benefited from some of the advice that we were receiving at that time.

Just in closing, I had a delightful letter from a charming elderly lady who said that when she watched those on cablevision – they were all cablecast in Calgary – she found that the most exciting thing on television. That puzzled me a little bit.

In any event, I appreciate you taking the effort that you did as well. Thank you very much.

MS HARRISON-CAIN: Thanks.

[The committee adjourned at 12:19 p.m.]

1:05 p.m. **Wednesday, September 11, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: May I have the attention of everyone, please? We have a tight timetable, in a sense, this afternoon, with a number of presenters and the pressing necessity for us to depart at 5 o'clock. So I'll be very brief in our introductions. For those of you who weren't here this morning, I'm Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat, and I'm the chairman of this select special committee of the Alberta Legislature looking into the constitutional position that Alberta should be taking as we move through this new constitutional phase in Canada's history.

MR. CHIVERS: Barrie Chivers, MLA, Edmonton-Strathcona.

MR. HAWKESWORTH: Bob Hawkesworth, Calgary-Mountain View.

MS BETKOWSKI: Nancy Betkowski, MLA for Edmonton-Glenora.

MR. ANDERSON: Dennis Anderson from Calgary-Currie.

MR. BRADLEY: Fred Bradley, Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, Innisfail.

MR. CHAIRMAN: On my left is Garry Pocock, who is the secretary of the committee, and we're delighted that Ty Lund, the Member of the Legislative Assembly for Rocky Mountain House, is also able to join us. He'll be speaking to us briefly later as well.

Andy Fitzel is here. Good. We're pleased to have you with us. Just have a seat, and give us your views.

MR. FITZEL: Okay. Well, you know my name already. I'm an owner/operator of an oil field service company here in Rocky. I've been here five years now, my family and I.

The first thing I'd like to touch on is the aboriginal issue. I think the aboriginals should have self-government. It should be implemented with the people being accountable for their affairs such as social and financial policies, but they should be treated like a provincial town: an R/M type of government basically, with expenses being shared provincially, the R/M putting in their part, and this type of thing.

Is this sort of a round the table thing? I wasn't here this morning.

MR. CHAIRMAN: Okay. Well, actually what we have is that you have about 15 minutes in total. We prefer people to just sort of go through their entire presentation, and then we'll come in and ask you some questions or make some comments.

MR. FITZEL: Okay; that's great.

The one thing I'm concerned with on the native issue is that I realize that treaties have been signed and all this good stuff, but when these treaties were signed, the natives were hunting with bows and arrows, right? So it's very difficult to manage our wildlife nowadays. There are some real atrocities happening out west here; there are major slaughters going on. So I don't know. I think we should do something about that. I hate to renege on treaties, contracts that are signed or whatever, but something has to be done about it. Maybe put them back down in with bow and arrows or something. I don't know, but something has to be done about that. They should be allowed to hunt on their reserves, for all it's worth, but other than that, I think they should go with what the majority is doing: they have to get their certificates in draws, and they're only allowed to hunt like everyone else.

Next I'd like to go to Quebec. I don't think they deserve any distinctive status, because if they're not proud or confident enough to maintain their cultural heredity, then it's a weak nation to start with. The Ukrainians were discriminated against, alienated, and were basically picked on when they first moved here. They've now created their own proud and distinct cultural identity here at no expense to Canada, whereas Quebec is looking for giveaways or – I don't know what they want exactly. If they were to separate, I think they should be forced to take their share of the capital debt. I'm sure they've contributed to that. All other federal assets should be paid for by them since we are a multicultural society, other than the natives. They do deserve a little extra than what the rest of us have; they're about the only ones who deserve a special status.

There's one subject I don't think I'm going to bring up now after I talked to this other fellow. I think we have to simplify our taxes much more than they are now. It's getting totally ridiculous. There seem to be more people collecting it than paying it anymore. Our deficit has to be taken care of. I don't care if I have to lower my standard of living a certain amount, even drastically as far as that goes. We have to get rid of it; otherwise, we're all going to be in poverty and nobody will pay anybody's wages. But it has to be done through a fairer taxation system.

I kind of screwed my notes up here because of this other buddy. Anyway, we'll get to the GST. I think the GST should be more extensive and cover food as well as everything else, but then it's got to be on a fairer basis as well. I think businesses should get a percentage or something for collecting the tax, because we've become tax collectors. I'm a businessperson, right? Everybody else is getting paid for collecting their GST or their job, so we should get something out of it as well. One possibility might be to eliminate the personal taxation system and possibly raise the GST to a higher value. I think it would be a lot fairer, as the people who spend more are going to pay more.

I've just got a couple of other subjects to hit on here. I think we should be told more about our free trade. Nobody seems to be telling us anything, like what is free now. Maybe we should implement something as you cross the border. Maybe we'd get a pamphlet – this is free now; you can come across the border and vice versa; you can go either way with these goods or other goods – so that we know, and maybe more media attention on it. Nobody's telling us what is free. I was down in the States last year, and I bought a bunch of sporting goods. I was careful; $100 is all you're allowed, so I came back with $100 worth. I got there, and they said, "Oh, this is all duty free now." Well, thanks a lot.

There should be a lot more public input into our decisions nowadays. You guys are making our decisions, but do you really know what we want? With the technical and communication advances we have today – toll-free numbers and all this stuff – it shouldn't be too difficult to get our ideas. We can let you know what we want, which is basically our democratic system.

That's about all I have for notes.

1:15

MR. CHAIRMAN: Well, thank you very much, Andy. Your comments with respect to aboriginal peoples are of great interest, because certainly that is a factor that's being widely debated and discussed now in Canada. We've had a number of people who say they want to see the land claims settled.

MR. FITZEL: Definitely.

MR. CHAIRMAN: We would all like to see that happen. But it isn't the same everywhere in Canada. In Alberta there are very few unsettled land claims, just a few minor ones that have to be dealt with. On the other hand, British Columbia, which is not covered by treaty, has enormous land claims which, because of overlap and so on, cover 110 percent of British Columbia, if you can understand that happening. It's quite different from province to province, and so therefore the challenge is very real to come to grips with how to do it.

MR. FITZEL: I figure you've just got to stand up and draw the line and make a decision. The more you put this stuff off, the more it costs us.

MR. CHAIRMAN: But you are talking about municipal-type self-government.

MR. FITZEL: Exactly.

MR. CHAIRMAN: Nothing beyond that?

MR. FITZEL: Nothing beyond that? Well, you set it up the same as if it were a municipal government, and from there you share. You'd have to cut down on the treaty money, cut it right off, and set them up just as if they were in their own little governments, which is what they want apparently. They'd make their own laws, to a point, which is still controlled by federal law and provincial.

MR. CHAIRMAN: Okay. Well, that's helpful to us to get that, because some people have said self-government and then when we ask them to give us sort of a definition, they're somewhat at a loss. You're much more specific, and it's helpful.

Are there other questions or comments?

Okay. Well, that's very good of you to come forward. Thank you very much. In terms of keeping in touch, you have a Member of the Legislature, Ty Lund, and he has an office too.

MR. FITZEL: Actually, I would like an opinion from you people as to this GST issue.

MR. CHAIRMAN: Well, technically, of course, we're here to talk about constitutional issues. Taxation issues other than how the governments share the ability to tax through the Constitution – it's really not our mandate. As well, the GST is a federal tax entirely. It is not a provincial tax, nor do we share in any of the benefits of that tax.

MR. FITZEL: I realize you guys are MLAs, but this is a constitutional thing which is federal, right?

MR. CHAIRMAN: In the first place, our government has opposed the GST from the outset. We're still in court challenging the constitutionality of that tax as it relates to certain issues. I can't go into the details of that lawsuit because it's too complicated and it would take too much time, and anyway I don't know all the facts. But in any event . . .

MR. FITZEL: What is provincial here is that your government claims there are no new taxes. Well, that's not necessarily the case, because your basic exemption is going up by 3 percent of inflation minus – and then it's added back on.

MR. CHAIRMAN: Well, that's federal government.

MR. FITZEL: No, that's provincial.

MR. CHAIRMAN: No; I'm sorry. It is federal.

MR. FITZEL: Oh, okay. Sorry.

MR. CHAIRMAN: What the province does in terms of tying into the federal personal income tax situation is that we charge a percentage of that. It varies from province to province, and ours is, I think, at 42 and a half, 44 and a half, or whatever it is now. The federal government then tinkers with these other things. We have to bear the consequences of that tinkering, but we do not make the decision.

That is a legitimate issue, though, if you talk about it in the constitutional context as to whether or not we need a different system, and some people have in fact suggested that, as we heard earlier today. We want to get out of . . . The federal government should not tax directly. Provinces should tax and then send Ottawa some of the money. That would be a complete reversal of the current situation.

MR. FITZEL: Right.

UNIDENTIFIED SPEAKER: Then getting money back.

MR. CHAIRMAN: And get the money back.

Okay. Well, anyway, thank you very much, Andy, for coming forward.

MR. FITZEL: Well, it was nice talking to you all.

MR. CHAIRMAN: Thank you.

Allan Down is going to represent Pastor Cliff Stalwick, who had indicated earlier that he would be coming forward to talk to us.

Welcome, Allan.

MR. DOWN: Greetings. Pastor Cliff Stalwick is the president of the Living Faith Renewal Centre and Bible College in Caroline. He got called to a funeral he had to take quite suddenly, so he asked me to present some of the opinions that he had on the Constitution and what should be enshrined in it. We had very little time to review or expand on what he had to say, so I won't be able to elaborate too much on his points; I'll just read what's down here.

Although there are numerous distinct societies in Canada, none of them shall have any extra powers or rights from all the other citizens of Canada; in other words, rights, powers, and privileges for provinces, regions, areas, and people groups shall be equal in all respects without discrimination and without special favour.

The second point. There shall be distinct definition and differentiation between the areas of jurisdiction and authority between the federal, provincial, and municipal governments to avoid the present overlap, repetition, duplication of either controls or services. I suppose the best example of that I can think of is the Alameda dam in Saskatchewan, where the federal authorities said, "This is it," and the Saskatchewan government said, "No, it's this." You know the hassle.

Mr. Stalwick wasn't quite sure of the proper terminology to convey the point he wanted to make in regard to – the expression he used was: rule of law not being superseded by any statute or judicial decree. I'm not sure whether I can present his thinking on that either, because I'm a little vague on this. Probably the two points that could explain it a little better would be the fact that we hold these truths to be self-evident. In other words, there are certain truths in the relationship of the citizens of the democracy and their rights and privileges and obligations that do not need to be proven, and the truth can't be undone by statute or by judicial decree. He mentions that the most extreme example in our century is how Hitler used the Reichstag and the German courts to justify and legalize the extinction of a certain group and race of people even though they were bona fide German citizens. That's a bit of history, but maybe it illustrates what he's trying to get at: that the Constitution should be so strong, supported by the army if necessary, to preclude any such action.

The fourth point. We should recognize that the unborn child, regardless of what it is called, is a human being in a stage of development, that human life begins at conception, and that the unborn child has the same rights and protection as after he or she is born. It doesn't have the same rights as an adult, but it should have the same rights when it's what we call one month old. Infanticide and euthanasia are to be considered as the taking of human life. No individual, legalized group, or the state has the right to so take a life and should be subject to conviction and punishment under the Criminal Code, recognizing that all life is precious regardless of how we perceive their value to society. I suppose we've heard stories coming out of Communist China where they regulate their population by choice of the sex of the baby, whether it be allowed to live or die. I'm quite glad that my parents didn't live in Communist China under those conditions. I might not be here today.

1:25

Canada should have English as its official language with provisions for any province, region, area, city, or group to function in a language of their choice. However, they cannot force another province, region, area, or city to use that language. I suppose we could talk for half an hour on that one, but anyway that was his opinion.

The seventh point was that Canada have a triple E Senate with equal representation from each province and territory.

Eight, the Constitution can only be changed, altered, or amended by a national referendum.

MR. CHAIRMAN: Thank you very much, Allan, for bringing forward those views.

MR. DOWN: I've got eight copies of the notes.

MR. CHAIRMAN: Well, thank you very much. We'll make sure that in addition to the eight members who are here today, the other members on another panel will also receive copies of the presentation.

Are there questions or comments for Allan?

I'd like to make just a brief comment. This issue about the rule of law: the point there is one which we had dealt with in some greater depth yesterday in Peace River by a lady who was concerned about the rule of God, the laws of God not being superseded by the laws of man, and I think this may be the point that the pastor was trying to make here.

MR. DOWN: Yeah, I think there are certain moral laws that we function under too, whether they be religious or otherwise, certain standards of behaviour.

MR. CHAIRMAN: Right. Well, thank you very much. I appreciate you coming forward and representing your pastor.

Dan Rutledge. Hi.

MR. RUTLEDGE: I'm put down as representing the Rocky Mountain House public library group: not exactly true. When I first heard of the constitutional reform talks, I and several other people initiated a meeting so that people could discuss their situations, which we did. I don't like to say that I represent people, because my views aren't always the same as theirs. We had a very good discussion. There was a good turnout from Rocky Mountain House. We talked over as many of the issues as possible. Of course, we had booked the hall for, I believe, an hour and a half, and it ended up taking four hours. There were a whole lot of questions left unanswered.

The situation with Canada is kind of hard because you're talking about a Constitution. The original Constitution, if I'm correct in my history, was the Magna Carta, or it was one of the originals. It brought together a people that wanted to be together and said: these are your rights and laws; good luck. Nobody went around trying to change the Magna Carta on a weekly basis, but I would imagine it has been interpreted in different ways over the years. With the Constitution of Canada, a Constitution is only as strong or as good as the people that are upholding it. If you try to put in a Constitution that people have to uphold it, it won't be upheld. If you try to pressure a group into upholding it, as we've seen with Quebec and several other provinces, the Indian question, et cetera, the native question in general, you cannot force anyone to go into a Charter agreement.

What we have to do, as has been proven closely in the last year in Russia, is let people decide what they want to do for themselves. It's nice to go out and talk to people, but the U.S.S.R. isn't going out and saying: "Jeez, would you like to stay here? Let's talk about a Constitution." They're saying: "Make up your mind what you want to do. When you've decided that, then come and talk to us and we'll form a union if necessary. Whether it be a monetary union, a close connection, or complete enemies, that's fine, but make up your mind what you're doing." The Quebec question seems to be in the same line. Let them decide what they're doing, because you can't force them and you can't make their decision for them. Let them decide. Once they've decided, then we can go on with constitutional talks, a referendum dealing with what we have.

We seem to be putting the cart before the horse. We're going out talking about the Constitution, and we don't even know if we have a Canada. We're going out and sending commissions. Federal, provincial, local groups, native groups are going out and saying, "Well, what should we do about our Constitution?"

We don't even have a Canada; how can we have a Constitution? We're Canada in name only at the present time. Nobody's agreeing on anything, and nobody's actually working towards anything. We now have five main political parties that are separated. How five parties can be separated day and night from each other is really hard, because then you have five different days or five different nights. But they are. Everyone says: "We'll do something better. We'll be totally different from those guys." Well, there is no total difference. You have to make a decision. You have to know where you stand first. You have to know how many pennies you have before you can buy a loaf of bread. You have to know how many provinces you have before you can have a Canada.

It's only a suggestion, and I don't push it through because I know that employment's tough anyway. I don't want you guys to give up; keep trying. I'm behind you a thousand percent. But I think what you'll find is that constitutional talks aren't going to do a lot of good until we have a country to talk about. The United States started out with 13 colonies, ended up with 52. Nobody's trying to leave. Russia, on the other hand, started out with one, ended up with 14, and now they all want to leave, including Russia. So I think what we've got to sort of decide is, you know, let Quebec decide what they want to do. Let them write that up, their own decision. French Canada, Upper Canada, Quebec, New France: whatever they happen to want to call it.

The native situation. Whether they be Mohawk, Huron, Cree, Blackfoot, let them decide what they want. If they want to go tribal as they were before, if they want to go national, if they want to form their own parties, they have to get together and decide. Then each province has to get together and decide: "What do we want to do? Do we want to be friends with Ontario and not friends with Quebec?" Then once we've got all the cards on the table, we can sit down and have constitutional talks and say: "Okay; here we go. These are our building blocks. Let's put together a Canada." At the present time, as I said, we don't have a Canada to put together. We don't have any building blocks. We've got a lot of questions and a lot of good reasons why we should have a Canada. Unfortunately, we don't have any building blocks for that Canada.

Now, as I said, the Rocky Mountain House public library group is probably not going to be real happy, although I have given some of their views. They believe that there should be self-government for natives. I agree with that, as I said, but they have to decide what kind of self-government they want. Then we can talk about it. Quebec wants self-government. Let them decide what kind of government they want. Then we'll work on it. Manitoba will probably be the next one that says: "Okay; we don't want to be part of this either. We want our own chance." Let them decide: referendum, vote, two politicians that want to give it a try. Once they've decided, then we can have these constitutional talks. We can sit down with the people of Canada and say, "Okay, what do you want?"

I appreciate your time, and if there are any questions, I'm available.

1:35

MR. CHAIRMAN: Thank you, Dan. The material which you submitted to us was rather startling in a sense because it wasn't nearly as tolerant as the views you've expressed towards Quebec's opportunities. The advice that we had given to us in advance was that Quebec should not have the right to separate, that they "should not be allowed to leave Canada." They should be allowed to join Canada, "but if they refuse then they should be treated as traitors." That's a pretty strong statement. You've mellowed that considerably.

MR. RUTLEDGE: As I said, it was a group that had the discussion, and in any group – in fact, in this group here – you'll probably have a lot of variances in the situation. Although it was a unanimous opinion that since Canada is at the present time a country like the U.S.S.R., and if you try to leave a country when it's in the middle of a battle for its own life, then you are a traitor, as I said, I can't go as far as saying "traitor" because I don't understand all the implications of traitor. I didn't believe in the war in Vietnam, and I didn't think people should fight about that, and if you didn't fight, you were a traitor if you were an American. That didn't make a lot of sense to me either.

I do see Canada as Canada . . . How can I put this nicely? Canada as a country should have one official language. I don't know any country in the world that has, "Well, we can speak French or we can speak English." There are some. France has a national language policy; it's French. England has a national language policy; it's English. Because of cost factors a country should have one national language. If individual regions wish to speak whatever, that's fine, but the initial dialect should be one language. I'm not really fond of French, but then again I'm not really fond of English. They keep changing it all the time, and the meanings.

MR. CHAIRMAN: True.

MR. RUTLEDGE: As I said, the board does have copies of the views that were expressed by the group. Any questions about those I can answer to some point because I was there and I did deal with them. My own views: again, I have not always been but I am learning to be a whole lot more mellow about the whole constitutional question, because there are so many intricacies and so much delicate negotiation is going to have to go on. I don't envy the position of this board in the least. You have to put up with the entire province of Alberta saying: "Well, do something. Don't just sit there. Do something." The problem is: what can you do? You have to wait and let the people decide, because basically it's for them. Until they actually realize that, talk about it amongst themselves, and make decisions, nothing can be done. You're doing a wonderful job going out and letting people know, giving them the chance to express their opinions, putting their opinions in writing so others can read them, and hopefully they can form their own opinions.

Canada, although one of the highest educated countries on the planet, has some of the most backward people. They will sit and listen to a television station ramble off garbage that looks good at the time, but they don't look at the actual news behind it, the actual words. If somebody looks real good for a camera and smiles real well, they've got a 90 percent chance of getting elected. We've got stuck too many times. The facts just aren't there. We have to educate the Canadian population, and this commission is doing a fine job of that, and I hope it continues. Even though it is a high expense on the taxpayer, I think the taxpayer deserves to know what's going on out there and should have many opinions so that he can try to translate them into an opinion of his own. Unfortunately, I've already got all my opinions. We're sort of stuck with that.

MR. CHAIRMAN: Well, listen; thank you very much, Dan, for coming forward. We appreciate your views.

Sorry; Dennis.

MR. ANDERSON: Dan, I appreciate you bringing together the group, and I think it is something Canadians are going to have to do more of if we're going to have the kind of thoughtful input that will lead us down the road in some way that we all want.

I know you can't speak in full for the opinions of the group, but on the document you gave us, I was very interested in the thoughts on the Senate. In question 5 there seems to be some contradiction because in (a) it says "free votes in legislature & senate" and in (c) it says "abolish senate." Apart from that maybe the most interesting thing is "let governor general take its place." Could you elaborate on what was behind that thought? When we think of a Senate in our discussions, we usually think of it as the body to represent the parts of the country or the partners of the country in the federal decision-making process. I don't know how a Governor General would do that. Maybe you had a different basis for that responsibility.

MR. RUTLEDGE: The questions that were in the books that were circulated – Alberta in a New Canada, and the federal constitutional thing that went on – rather than using those specific questions, what we did was just ask our own general questions to give people a feel. We had a discussion and so forth. The answers were so varied that rather than give one specific, because there was no one specific answer, what we decided was to pick the top three, the top five, and so forth, put them on, and let them go.

Now, one of the things that was discussed was the fact that the Governor General position should be representation of the people. As I said, it wasn't really agreed with me. My personal opinion of a Governor General is to represent the Queen and holdings; the Senate, to represent the actual individual people; and the Legislature, to represent the government. That was my opinion on it.

What was suggested was to make a single-member body, whether it be the Governor General, a Senator – take all the Senators and sort of make them into one – a single elected person to make those crucial decisions that come down through the Legislature that can't be decided upon. Let a Governor General or someone elected, instead of running it through another complete system of Legislature, such as the Senate is – although there was a lot of discussion because the Senate was considered a bought position. If you're nice to the right party, you get to be a Senator.

That was around that same time when Stan Waters was having all his problems. He was an elected Senator, and they weren't really sure whether they'd accept him, because nobody got a chance to appoint him. Shortly thereafter Mr. Mulroney decided, "Ah, we need some more Senators because I'm losing the vote," and named off several new Senators just because, hey, that sounded like a neat thing to do at the time. The situation is that if you can appoint whoever you want, even though, of course, it's a lifetime position and so forth, there are ways around all senatorial matters, as Mr. Mulroney found out when he appointed his new members just because he was losing. People don't like that. It's playing five-card stud and somebody got an extra two cards.

When you've made a decision to stick with a government, the Senate and the Legislature, and the Legislature says, "Okay, we want this," and the Senate says, "No, we don't," then it's supposed to go back to the legislators. They change it and try it again. The way it was done by the federal government, the Legislature said yes, the Senate said no, so they said: "We'll fix that. We'll put four more people in there, and then you'll say yes." People really didn't like that a lot, and it's not just the people in Rocky Mountain House. I don't think there's a person in Canada that really looked at that and said, "Gee, that was a good deal."

So the situation is that everybody sort of agreed that instead of having a debate team of 90 people making this decision, when it comes down to a crucial decision such as that, there should be either a very, very elite small party that makes constitutional decisions, let the Governor General handle it, or let the courts handle it. Don't just change the rules halfway through the game. I believe that's what the thinking was behind the Governor General having the final say in the matter.

1:45

MR. ANDERSON: I see. It was primarily related to the appointment of Senators as opposed to consideration of new possibilities, such as an elected Senate.

MR. RUTLEDGE: Right. As I said, because there were so many different answers, I tried to vary them as much as possible. So everybody – not everybody, but a good percentage – did want a triple E Senate. In triple E Senate you're running into the same situation that you did with the Legislature, okay? You're voting again for a party. Although you are voting for a man, which makes it a little bit nicer, basically the man has to follow his party regulations, party rules, or he no longer belongs to that party. The Senate is nonpartisan. It doesn't have parties. Well, at the present time it does, because you're set up in the position. If you're a good Conservative and the Conservatives are in power, you're in; if not, you're out. So if it's an individual elected membership to the Senate – not for a party, but for each individual's own idea, such as a presidency and so forth – where there are no actual party ties, it's more of a man that's being elected. That's what everybody seemed to want more of. They also wanted the ability to impeach that person if they didn't like him, which was rather silly, because we'd be changing Senators faster than we are now.

Well, you've done these meetings; you know how much varied the opinion is. I tried to cover as much of the opinions at the discussion as possible. I think mine came out to a page and a half; yours will probably come out to three or four books by the time you're finished. It's very hard to get anyone to agree on anything. When we start talking about sex, politics, all those unmentionables that your parents used to tell you don't ever talk about in mixed company: as soon as you've got that, then of course you've got the problem of nobody agreeing on anything.

The sex thing we're just starting to get into because kids are starting to become really aware of it. It's on television; it's all over. We're actually discussing that now. I hope some day politics becomes the same way so that we actually talk about it in open company.

MR. CHAIRMAN: I think we feel qualified to discuss the political structure of Canada, but I don't think we want to get into the sex issue today.

MR. RUTLEDGE: It would probably be easier.

MS HARRISON-CAIN: Maybe first we have to acknowledge that there are two.

MR. CHAIRMAN: Oh yes; two genders.

MR. RUTLEDGE: Well, there you go. So we're halfway there: we have five parties and two genders.

MR. CHAIRMAN: Listen, thank you very much, Dan, for bringing the views of your colleagues forward to us today. Thank you.

MR. RUTLEDGE: Okay. I appreciate your time.

MR. CHAIRMAN: We're pleased now that we have our colleague Ty Lund, who would like to bring forward some ideas.

MR. LUND: Well, unless some people who are here would like to.

MR. CHAIRMAN: No, I think we have some space in the middle of the afternoon. I know some of the people who are here now and who are scheduled to be on later are able to come forward sooner, and we'll encourage that. But Ty, I know, has done some work in terms of trying to assess the opinions in his constituency, and he'd like to share those with us.

MR. LUND: Well, thanks, Jim. Yes, back in March I sent out a questionnaire with 12 questions on it. Of course, this is such a complex issue that 12 questions don't begin to cover it, but I tried to hit on some of the main points, and the whole thing can be built around those points. It was so that I'd get some feeling of what the constituency is saying. I had a lot of comments and heard a lot at the time of the Meech Lake debate, and I'd thought it'd be very useful for me as I tried to carry forward the views of the constituency if I had hard numbers to back it up.

In the form that the questionnaire took, there were five options that were on it as far as whether a person strongly agreed, agreed, disagreed, strongly disagreed, or no opinion. I was fortunate in having about 10 percent of the questionnaires returned, and in very few cases did the "no opinion" option come back. Because I felt that the "strongly" should be weighted a little bit more than just agreeing or disagreeing, if someone marked down "strongly," I gave it an extra 50 percent. What I'm saying is, then, that if we've got, say, 150 agreed, that could be offset by 100 strongly disagreed, if you get the way I've set this up when I use the percentages.

Going directly to the questionnaire, the first four questions were on the constitutional responsibility. I think the way I do this is I'll just read the statement that was made on the questionnaire, and then I'll give you the percentages as they were returned.

"More power should be centralized in the federal government": 14.5 percent agreed with that; 85.5 disagreed. "More power should be decentralized to the provinces": 80.6 percent agreed; 19.4 strongly disagreed.

Before I go any further, I should say that I want to try to capture some of the comments as well because there were many comments written along with the rating. Since that, I have attempted to talk to a lot of people and held a number of meetings in which these things were discussed. It became very evident to me in the comments both from the questionnaire and since that the reason we're seeing in the Rocky constituency this kind of a feeling: people certainly remember the national energy program, how the province lost so many tens of billions of dollars through that program, but I think it goes even further. We've noticed how in using things like the environment, if the federal government has total control over that, they can really regulate the growth and the development in a province through those regulations. We've seen that, of course, in forestry development. Even to the point when all the problem was – there's still a problem going on, and I still have people saying to me about the problems we're having at the Oldman dam, "Can't you people pass legislation that will stop this nonsense?" Of course, as long as the federal government has a lot of control, we can't do that. Certainly the issue about the development of natural resources is one that the constituency is saying must stay with the provinces.

Going on to statement 3. "All provinces should have identical constitutional status": 95.3 percent agreed with that; 4.7 disagreed. One of the issues that is coming forward and that people are really upset about: things like the ability of Quebec to have control to a certain extent on immigration, just as an example. The message is coming through loud and clear in this constituency that there is to be no distinct society. No matter how it's phrased or where it is, there's to be no distinct society in the Constitution. There's been a lot of concern expressed about some of the comments that Joe Clark has been making lately as it pertains to that. Of course, a lot of people are really upset that Edwards would put his name to that paper that suggested that Alberta would be a third-class province. They obviously aren't listening to what Albertans are saying.

Number 4:

> Provinces vary in population, economics, culture and language. With this in mind, the constitution should allow provinces to meet their responsibilities in various ways.

Eighty-two point two percent agreed; 17.8 disagreed. In the comments I'm hearing, there doesn't seem to be a problem with some minimum standards dictated by the federal government, but if you're going to get into broader and very extensive ones, then the federal government better be prepared to pay if they're going to dictate those.

1:55

Moving, then, to institutional reform. "Achieving a Triple E Senate should remain a priority for Alberta": 83.7 percent agreed; 16.3 disagreed. From a lot of the discussions and comments, I believe that some of the positions taken in the preceding responsibilities under the Constitution would be softened and modified if the people here felt that we really had a voice in Ottawa. But until we have that voice, they're not prepared to give up any of the power that we have.

Aboriginal issues. "Defining aboriginal 'self-government' should be a priority for Alberta." In the response to this one, we had 45.2 percent agreeing and 54.8 disagreeing. That really bothers me, and I think perhaps in trying to squeeze this thing into one page – some kind of a definition of "self-government" is necessary. As I talked to people, it seems like what I'm hearing: when we say "self-government," if we're talking about a nation within a nation, then the answer is no; if we're talking about a status of the aboriginal people that would be similar to a provincial status, then that could maybe be worked out; if we're talking about a position that would be similar to a municipality, then the answer is yes. So we're sure going to have to do some more work on that one.

Just a personal opinion, deviating, maybe, from what the majority of the constituents think: since I've had the opportunity on the native affairs caucus committee to meet with and talk to a lot of aboriginal folks, I get a sense and a feeling that they are crying out to have the opportunity – opportunity to succeed, opportunity to fail – and we certainly don't give them that under the current situation. They're shunned and supposed to be the responsibility of the federal government, and they're not given those opportunities. I think that if we give them the opportunity, they will succeed. I see it right here in Rocky, a number of them, and I think that's one area we're going to have to really work on and come up with something.

Amendments to the Constitution:

> Quebec and Ontario together have a majority of Canada's population. If a national referendum were held to determine a constitutional change, the opinion of the majority should be binding on all provinces.

Seventeen point four percent agreed; 82.6 disagreed.

Charter of Rights and Freedoms. "The Charter of Rights and Freedoms has been positive for Canada": 31 percent agreed; 69 percent disagreed.

Question 9, "Rights guaranteed under the Charter should be strengthened": 37.6 agreed; 62.7 disagreed. In the discussions I sense that people are not opposed to rights, but as was pointed out by one presenter this morning, the responsibility has been lost. Until we get that back into the Charter, there's a real problem with continuing to expand rights only.

"Appointed Courts should be able to override decisions of democratically elected representatives": 48.2 percent agreed; 51.3 disagreed. That doesn't quite add up. I guess I must have made a mistake – 51.7. Here it seems like a lot of the folks are really concerned. We got into a long discussion on that this morning, where the courts are interpreting and out of touch with society. I guess the Ng situation is one that constantly comes up as a prime example of that. Folks are saying to me that we have to devise some method that the judges are not appointed for an indefinite period of time. I've had all kinds of suggestions: five years, seven years, eight years. But we have to somehow try to make sure that there is a relationship between the interpretation of the law and what society is saying. That changes, so there must be that flexibility.

Bilingualism. "Canada should have two official languages – English and French": 18.3 percent agreed; 81.7 disagreed.

Question 12, "All provinces should be bilingual": 6.3 percent agreed; 93.7 percent disagreed. The bottom line is that people in the Rocky constituency are basically saying that they don't want to have the French language shoved down our throats. We see a great expense and divisiveness by continuing to have bilingualism, and many have said to me that there should be one official language in Canada and only in Quebec would there be the ability to have the second language.

I am not surprised by these results because as many people in the Rocky constituency were hailing the death of the Meech Lake accord, these were the types of comments that were coming to me. So it's not by any means a surprise.

MR. CHAIRMAN: Thank you very much, Ty.

Perhaps some of my colleagues have some questions or comments. Barrie, then Bob.

MR. CHIVERS: Mr. Chairman, I have both some questions and some comments. I'm wondering, Mr. Lund, how many questionnaires were sent out and how many were returned.

MR. LUND: There were about 6,500 sent out, and I got 634 returned; about 10 percent.

MR. CHIVERS: Less than 10 percent.

MR. LUND: Slightly less, yes.

MR. CHIVERS: Now, I'm a bit concerned about this type of a presentation being made to our committee, Mr. Chairman. I understood this was an exercise in hearing directly from the electorate, the people of Alberta, not hearing the views filtered through an MLA. I object to this procedure. I think this is uncalled for.

The question I have, Mr. Lund, is: did you file a request to appear before this committee by July 31?

MR. LUND: No, I don't remember if it was by the 31st.

MR. CHIVERS: Did you follow the same procedure that everybody else who's appeared before these hearings has?

MR. LUND: I'm not sure that I can say that I did, no.

MR. CHAIRMAN: Well, I can answer the question. Mr. Lund came to me months ago and asked for the opportunity for this committee to come to his constituency and asked for the opportunity when he came to speak to us.

MR. CHIVERS: I just note that he wasn't listed as one of the presenters on the official list of presenters, Mr. Chairman.

MR. CHAIRMAN: Well, you've made your point.

MR. CHIVERS: I've made my point.

MR. CHAIRMAN: Bob.

MR. HAWKESWORTH: I think it's quite irregular, Mr. Chairman. We have the privilege of expressing our views and our constituents' views, as we see them, in the Legislature, and my understanding of us being an all-party committee was to tour the province to hear from Albertans. So I think this is a very highly irregular process, and I'd just like to register my objections. I think to this point we've done very well as a committee to try and keep the partisanship out of our proceedings, and I think we've done that very successfully. It's taken an effort on the part of all the parties, everyone around the table, and I wouldn't want to see that process jeopardized. I think it's too important, and I'm sorry that there may be a tendency here to inject some partisanship where I don't think it's called for or necessary.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: I'm also very concerned. I'm wondering, Mr. Chairman, if I asked to present in Calgary or Mr. Chumir did or Mrs. Hughes in Edmonton, would you have said yes? We've done a number of surveys. We've sent thousands of questionnaires. We know the time will come when we can insert that into the process. I'm just wondering what your answer would be if I asked to make a presentation in Calgary on behalf of my constituents.

2:05

MR. CHAIRMAN: Well, that would be a little unusual, but if Mr. Chumir asked to come forward, I'd say yes.

MRS. GAGNON: Why? He's on our committee.

MR. CHAIRMAN: I'm sorry; another member who is not on the committee.

I'm sorry you have taken this attitude. I didn't think Mr. Lund took a very partisan attitude at all. I think he was reporting on the views of his constituents, and I find this allegation of partisanship to be quite unusual. But if MLAs are not going to be permitted to give the views of their constituents to this committee as they've assessed them, then we'll take note of your objection.

MRS. GAGNON: My objection, sir, is strictly that this is unusual in that other MLAs, some of your own MLAs when we were in their ridings, did not make a presentation. This is a unique situation, and I think in some sense it gives Mr. Lund unfair advantage in the eyes of his own constituents. I know he means to bring forward their views, but we've received from other MLAs compilations of their surveys, and maybe the same procedure should have been followed in this case as well. I don't mean to be disrespectful. Please don't take this personally, but I do think it's unfair advantage.

MR. DEKINDER: Can I say something? Are we trying to save Canada, or are we fighting amongst ourselves?

MR. CHAIRMAN: I'm sorry. I don't know your name.

MR. DEKINDER: Well, it doesn't matter. I'm a taxpayer. But are we trying to save Canada here, or are we just having all this bickering going on?

UNIDENTIFIED SPEAKER: Another political game.

MR. CHAIRMAN: I don't want the political game to escalate, because we have, as members have said, tried to keep our presentations nonpartisan, but it's quite clear that we've had partisan representation come before the committee, identified as such. The fact that in this particular case a member of the Legislature has given what he believes the views of his constituents to be I thought was quite a reasonable approach, but we note the objection. I think we should now proceed on to hear other people who are in fact waiting.

Thanks, Ty.

MR. LUND: Thank you.

MR. CHAIRMAN: Carrie Mason of the Rocky Native Friendship Centre was originally scheduled to appear at 3:30 but has kindly agreed to come a little earlier.

Welcome, Carrie. Thank you for advancing your time for your presentation into this gap we had in our participants.

MRS. MASON: I'd like to say good afternoon. On behalf of the Rocky Native Friendship Centre Society I'd like to thank you for the opportunity to express some of our concerns with regard to constitutional reform. Our board of directors have chosen to address only three issues; namely, capital punishment, Indian rights, and Metis rights.

Speaking with regard to capital punishment, it is the consensus of our board and no doubt a majority of Canadian citizens that capital punishment should be reinstated in our Canadian Constitution. Firstly, keeping these prisoners is a drain on our federal budget and should be a consideration in curbing the national deficit. Secondly, if a murderer has been convicted and has exhausted the appeal system, there is surely no room left for doubt of his/her guilt. Thirdly, there is a chance for parole, whereby these people may be turned loose in society again.

Then I go on to Indian rights. The issue of Indian rights and the oppression of the First Nations of Canada has now reached international status. It is imperative that a process begin soon. We are now nearing the end of the 20th century, which will mark three centuries of suffering and oppression to a people who had enjoyed thousands of years of self-government in a land of plenty. Today our people are struggling to find their place in society. Many of us no longer believe we are of inferior intelligence. We no longer believe the dulling effect of alcohol is the answer. Many of us believe it is time for us to take our rightful place in Canadian society. We want to see our children and grandchildren educated and employed.

The Indian Act of 1876 must undergo a review process and our rights must be defined. We are tired of being a commodity in the Canadian economy. Much of the discrimination we endure is perpetuated by embarrassingly large budget announcements, which are frowned upon by taxpayers. Our people have been researching expenditures in native budgets, and we feel that Canadian taxpayers should be informed of the 73 to 75 percent administration costs which are taken from every native budget. It is excruciatingly difficult to squeeze program dollars from these budgets. Most of this money goes to pay large salaries, plane fares, and plush expenses to white-collar workers, few of them natives. Is it any wonder our people are asking for self-government? We do not wish to be an albatross around the neck of the Canadian government. We only ask that we be given equal opportunity and a responsible place in Canadian society. That's Indian rights.

I'll move on to Metis rights. Our Constitution committee would also like to address the issue of Metis rights, which are also entrenched in the Canadian Constitution with no clear definition. Many people do not realize that Canadian history would have been considerably different had the Metis government not sent out their forces to drive the Fenians back in the mid-1800s. Western Canada would now be an Irish republic. Many also forget that the Metis people of Canada were responsible for the survival of fur traders and explorers. European map-makers received all the glory for mapping out Canada. However, geographic exploration would have been almost impossible had it not been for the guidance and provisions of the early Metis.

Historians realize the contribution of the Metis in this respect. It was their survival skills, fluency in European and native languages, stamina, and knowledge of the water routes which opened up the west. They were referred to as road allowance people, as they moved from place to place clearing, brushing, and picking rocks for European pioneers. Scorned by white society and disowned by the Indian people, they became a strong nation of people, their sense of humour a survival mechanism. Now, with today's technology, they are struggling with unemployment and a lack of education.

The rights of the Metis nation have been entrenched in the Canadian Constitution. However, there is no clear definition of what these rights are. We speak in support of the Alberta made, Metis driven position submitted to and adopted by the Rt. Hon. Joe Clark. This seven-step process will enable the Metis nation to form a basis for negotiations.

MR. CHAIRMAN: Thank you very much.

MRS. MASON: It's very brief. I owe my people an apology for the brevity.

MR. CHAIRMAN: You've touched on the key points, and I very much appreciate that. Could I just ask about your own status? Are you a Metis or a treaty Indian?

MRS. MASON: Treaty. Actually, I'm a Bill C-31, and that's another touchy issue.

MR. CHAIRMAN: Oh, Bill-31. In any event, I just wanted to know that.

We've been hearing a number of things from nonnative Canadians about the type of government that might be granted or devolved or agreed to for native communities. You're aware of the Metis settlements legislation which has now been put in place in Alberta, which has been really discussed and debated amongst the Metis and then eventually voted on and put into the law of Alberta. That's one form of self-government which will be evolving over the next period of time. What's your view of that arrangement?

2:15

MRS. MASON: Well, I can't see any other solution really. Being that most of the Metis population is in the north, it just makes sense for them to have their settlements and their government set up in that way.

MR. CHAIRMAN: From your observation, though, it's a good model for that particular area?

MRS. MASON: Yes.

MR. CHAIRMAN: Okay.
Other questions or comments?

MRS. GAGNON: Yes, please. I appreciate the fact that you've talked both on behalf of treaty as well as Metis. Quite often I think the Metis have been left aside. But when we talk about native self-government and self-management, looking after their own affairs, how would you see this taking shape? Has your group discussed some specifics? Because I think we all say, "Yes, self-government," but what does it mean?

MRS. MASON: There are so many things to be taken into consideration. The first thing that I think of is the fact that in the last decade native education has really been on the rise, and maybe even at this moment we may not be prepared to really put something like this in place that soon. But I say that by the time the process has taken place, we will have enough people in place and educated and ready for their responsibilities, because we realize that there will be a process.

MRS. GAGNON: As a treaty native, do you agree that Indian affairs or the department should be abolished totally? Are there some risks in that? The federal department of northern and native affairs: should it be abolished?

MRS. MASON: There are some risks. It's going to really depend on the way their system is set up, their system of self-government.

MRS. GAGNON: Like what replaces it.

MRS. MASON: Yes.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: I have one question. We've been hearing some interesting comments over the years, of course, in dealing with and working with native groups, particularly the Indian community. They've claimed a special relationship to the Crown, and of course that was the case back in 1981 when large groups of them went to the United Kingdom in the hopes of influencing the outcome of that particular constitutional step. We've been hearing from some people, including today, that the abolition of the monarchy would be a positive step for Canada. Have you given any thought to that suggestion?

MRS. MASON: Now, this is a personal opinion – I haven't spoken to any of my people with regard to this – but I think basically the native people are very patriotic, and whatever form that might take, I think we would be perfectly ready to accept a nationalistic view. I know that the native people were true to – you know, they had a lot of respect for the monarchy and the Queen, and they always played a role in welcoming the royal family, but I think that we've also grown a lot in the last few decades. Realizing that our country is falling apart and there are so many problems, I think we'd be willing to sit down and rehash the whole thing again, along with everyone else.

MR. CHAIRMAN: Okay. Well, thank you very much, Carrie, for coming forward and giving us your views and those of your friendship centre. We wish you success.

MRS. MASON: Thank you. Would you like a copy?

MR. CHAIRMAN: Yes, if you would, please.
Okay. The next presenters – we're getting people to come a little earlier than they had anticipated. Are Cliff and Ron Bryanton here?
Welcome. Thank you for coming somewhat earlier than you had anticipated.

MR. C. BRYANTON: Well, I'm really not quite sure about all of the details of the forum. My dad got me into this in more ways than one, and I'm not quite sure whether all that I have to say, then, is directly applicable or in context with what the forum is about.

MR. CHAIRMAN: Please go on. I can assure you that not everyone has addressed their attention solely to constitutional issues over the last set of hearings.

MR. C. BRYANTON: I started off by just questioning why we need a Constitution, a new Constitution. Simply, our country now, in the majority's opinion I believe, is being destroyed. Changes have to be made to the Constitution. However, once enshrined, constitutional changes will redefine Canada forever, and caution is required. What are our tools for delicately carving a new Constitution? I believe we have three: establishing principles, debate, and rigorous tests.

Certainly we must look behind these changes and ask, "What is the principle involved?" We must put aside all of the politics, the prejudice, all of the greed, the anger, and the selfishness, and look beyond and establish the principles that we want our nation to be built upon, that we believe in, that we can take pride in, principles that are not malleable to temporary political advantage. Remember, once enshrined, items are very difficult to remove. So let's be careful, keep it simple, and adhere only to fundamental truths. We must debate the changes with their worst critics. Only then could we have confidence that it will provide for our children as we have envisioned.

These principles must be subjected to several tests. The first is a test of time. We should be careful not to invoke radical principles, to address fads and fleeting issues. Will it still be valid in the next century? It will be the next generations that will wrestle with the reality. If we are going to rebuild this country, we cannot base it on what is but what should be. We must not rebuild for ourselves but for our grandchildren. The second test is universality. Can the principle be applied without condition and in many situations? Will it contribute to a better, stronger Canada? The third is really a question of need. If it is not needed, we don't want it. Every constitutional item will trigger another round of special interest demands. Every law provides a battery of lawyers a handsome living and a corresponding depletion of public resources. Perhaps the issue could be addressed in another way outside of the Constitution.

However, these fundamental rules must be identified to act as safeguards against the government abuse of power that we lent them. These truths must be held dear and above all. It is essential that the Constitution be defined by the people, for it defines their country. It must not be defined by the political stakeholders. We don't want 10 Premiers and a Prime Minister deciding how they want to govern us, but, rather, we want to say how we are to be governed.

What are these truths or principles? I believe the first is equality of opportunity. There should be no preference given to anyone based on race, language, religion, sex, or heritage. A Canadian is a Canadian. There can be no distinction of peoples in the Constitution, no special rights; simply human rights. Not "if you are whatever," then special rules would kick in. The government cannot fight discrimination by discriminating. One cannot make individuals pay for the sins of others, and every individual must be taken on his own merit. Surely this truth should be a fundamental principle. If so, it must be believed and applied with conviction.

2:25

I said equal opportunity, not equality. We should not strive to make all equal. Because we have a white Prime Minister now does not mean the next must be black, Asian, and so on; merely that each has an equal opportunity to succeed based on their merits and abilities. Yes, each must have an equal opportunity to fail due to their lack of ability as well. One cannot destroy an individual's opportunity in a misguided attempt to correct an institutional inequity. Affirmative action is simply a vindictive attack on the opportunities of the innocent. There must be no tolerance for "white males need not apply." I cite the case of the Ontario college which publicly proclaimed, and without embarrassment, that they would hire on the basis of sex and race for the next 10 years. Such actions create a pampered sector, anger, frustration, and discrimination from its victims. Once wounded with such a weapon, the scar will be there for the rest of his life. One cannot advantage some without inherently disadvantaging others. Such is abhorrent. Our Constitution must protect all from racism and sexism. Simply, if the principle is a truth, it must be universally applied. It must be believed in as a goal, not simply as a tool to be used to achieve some political end.

Multiculturalism is not an ism. It should not be institutionalized. As it is, multiculturalism in Canada is a euphemism for racism. The government taxes and provides funds and resources based on race, then issues great self-righteous orations against intolerance. Can we not learn from South Africa, Northern Ireland, India, Lebanon, Yugoslavia, and on and on and on? Can we not learn from the mistakes of other countries that differentiated rather than integrated? In conceit our country has launched into this experiment called multiculturalism. Why risk it? Perhaps discrimination on the basis of culture is morally correct. Someone whose culture includes wearing a sarong, turban, or cowboy boots should be given special treatment? I think not. Our governments are blatantly funding and promoting minority interests to buy votes, then scold the taxpayer because of his concern. Racism. If the government won't stop itself, who will? Multiculturalism is not morally wrong, but institutionalizing it is.

By what principle should we inscribe special rights for natives in the Constitution? Perhaps because their race is superior. Then where does my race rank, and where are my rights over the lesser races defined? I think not. Perhaps aboriginal peoples are inferior and need special privileges in an effort to make them equal. Such racism is abhorrent. It shouldn't be tolerated in our country. Perhaps because they were here first. Then let's accept that privileges are attained by ancestry. Define the rules and universally apply them independent of race. Certainly some of my forefathers were in this land now called Canada prior to some tribes which came from the south. Certainly those from families who built the railroads, farms, roads, and the wealth of this nation should also have some special recognition. How about those from families who sacrificed in Canada's defence? While we are handing out favours, who among us would deny them? Thus each new immigrant and their children and their grandchildren and their grandchildren will owe a debt to the existing people. Let us all get our share. I say no. This principle fails miserably. There are not two, three, or four founding peoples, just Canadians, proud Canadians looking after one another.

Problems and inequities of one generation must not be the debt of the next. Most certainly any repayment should not be enshrined in a Constitution. We are tired of having our forefathers who built this country degraded. We are tired of paying for their alleged sins. It's simply not our fault. Nor should one inherit privilege. We do not accept inherited class structures, lords, and masters. Most of our ancestors left lands to escape such degrading tyranny. Surely this is a principle that we must base our laws upon. So we must honour our agreements and clear up Indian land claims now and forever more. Never again should anyone suggest that because their forefathers were natives or white Canadians or black Canadians, they should receive special rights or priority. They must have equal opportunity, no more and certainly no less.

So what is the principle by which natives would have special recognition in the Constitution? By what principle should Quebec be dear and distinct? By what principle would any group have special recognition in the Constitution? Would these principles stand the test of time? Is there any universal truth to these principles? Are these the needs of Canada or the wants of a special group?

The second principle, I believe, is democracy. There are two pillars of democracy. The first is majority rule. Although not always right, anything else is dangerous. Second, the people have a right to be heard. We have neither. We have rule by special interest groups. Minorities are always right; no discussion. People must have a way of providing legal protest and input but cannot be allowed to obstruct and stall the democratic will. All must have confidence that their views have been represented before policies are defined; then all must believe that the government represents the view of the majority; then we should expect co-operation and compromise. Through it all there must be belief in democracy. Today how can a Prime Minister even consider tinkering with the Constitution without a mandate and with less than 10 percent support and still profess that he believes in democracy? Everyone must be able to voice their opinion without fear and intimidation.

We currently have a Prime Minister who will publicly and without embarrassment rebuke elected representatives and enforce party lines by expulsion. Such open, clear, and unchallenged disrespect for democracy is foreboding. As well, we have leaders who freely use words such as racist, bigot, and redneck to stifle debate and discussion. According to media propaganda, immigration, minority education, multiculturalism, and bilingualism are all topics Canadians should not discuss; just pay the taxes in silence. Is anyone with a different view of Canada an intolerant redneck nincompoop? How ironic. What is so terrifying that the Canadian public could not be subjected to the views of elected representatives? By their conduct, we know our leaders have little respect for democracy and certainly freedom of speech. We can view their behaviour with nothing but disgust. How can we trust our leaders to define our Constitution? Certainly the only thing sacred should be the free and open seeking of truth. Without open expression and consideration of all alternate points of view, we will ratchet further and further from reason. Eventually, only radical reaction and the destruction of our country will result, born out of frustration and anger. Do we really want to disintegrate like the U.S.S.R. and Yugoslavia?

Certainly there are those with views founded in hate; always have been, always will be. Words and ideas cannot hurt us. Let's discuss it and challenge these beliefs before they act upon them. Let's not let them and the reaction to them destroy our country. History suggests that the only way to suppress such evil is to subject it to the glare of reason and facts. Let's see the facts. Let's hear of their experiences, the rationale, and perhaps we can douse the flames; that is, if we can stop government from providing the fuel. Let's fight anger and frustration by listening. Fight the cause, not the effect.

Equally dangerous is the overreaction to this group. Certainly let us not destroy the most precious of our rights for this minute faction. We must be comfortable with expression of our opinions and open discussion of our differences – no, more than comfortable; we must feel it is our duty. We must have an informed and thinking electorate, one that seeks the facts. Only thus could we consider our democracy healthy. We must have these areas strengthened. We must all accept that the world is unfair and that no amount of legislation would make it fair. Legislation merely spreads the unfairness around. All of us feel mistreated, maligned, and degraded during our lives, but it is our charge to rise above it, look at others around the world and see the unfairness and be thankful. Thus a lot of tolerance, time, and effort is required from all sides to allow this country to progress. A lot of listening, patience, and wisdom is necessary. All we can expect is improvement, no more and no less. The rest will come in time. Please give us that time.

2:35

The third principle that I believe in is representation. Clearly, the existing governmental system is dysfunctional. The Fathers of Confederation had no thoughts of the huge, diverse nation of today. The House is so adversarial that it reduces all to juvenile behaviour. The life of the regions is continually sapped to provide for the gluttony of the populace. Once the Prime Minister has a majority in the House, he becomes a virtual dictator for five years. Our representatives are whipped into line for fear of defeating the government and thereby losing their own jobs. Certainly they are in a conflict of interest.

But what are our options? Abolish the Senate and let the House of Commons run amok on democracy? Although preferable to what exists, I think not. We now have a virtual dictatorship between elections. We would also have to modify the House to include disproportionate representation for the regions. As well, we would require incredible foresight and wisdom to define complex laws for the necessary checks and balances.

Perhaps equal Senate representation by province, known as triple E, is the answer. Provincial representation has only served to divide and serve political interests. The provincial boundaries are mere quirks of history and bear no current demographic rationality. These boundaries were established when three-quarters of today's Canada did not exist. Prince Edward Island with the population of northwest Calgary would have representation equal to Ontario. Half of the Senate's seats would come from provinces that ring the Atlantic. The centre of a triple E Senate would move east to Quebec City. The majority, if you look at the majority of 60 percent, is Ontario, Quebec, and the maritimes, and the centre of that is Quebec. This would result in even a further distortion of Canada, and we would probably have to give up much just to get it. Even within provinces only the populous areas would be represented. How can such be equal or effective? No, thank you. We have heard enough of better provincial representation in federal issues – federal/provincial power wars, Quebec's sovereignty – but where are the speeches concerned with providing better representation for the people?

Please, this is our chance to do it right. This is our chance to take a step back and look at what should be. I propose that we should look at a new Senate. What are the objectives of this new Senate? The Senate should work to build a better country. It should be a unifying force. It should be elected, independent of political parties. It should represent the regions with little power in the House of Commons. It should provide checks and balances on the government. It should be the guardian of the Constitution and democracy. It should conduct referenda. The Senate must be elected to provide sober second thought and input from the diverse sections and peoples of this country. It should serve as a binding force and a source of faith that the needs of the regions have been duly considered in an open forum. Only then can we expect full co-operation. I would have the government continue to propose Bills. The House of Commons would debate and pass them to the Senate. However, this body would be elected to review and suggest changes for the first two readings. On the third reading the Bill would have to be accepted. Simply, the majority as represented by the House must prevail.

But what powers would the Senate have? I propose that the Senate have the power to dissolve the House of Commons and call elections. Such action would be warranted when government actions are in contradiction to its mandate, such as Trudeau with the wage and price controls of the '70s; when the government has lost the confidence of the electorate, such as the current federal government; and when conditions have changed significantly from the time of the election. But we don't have to set out rules and regulations for checks and balances. We need not anticipate every future possibility. No. Elections are not called on the basis of some law but on whether or not it is moral, whether the Senators could answer to their electorate. That's what the Senate is for.

Although it could not stop unpopular, irresponsible Bills, the Senate could force the government to seek that new mandate. The motion for an election from the Senate would require a declining majority: 80 percent the first year of a new government, 70 percent the second, 60, 50, 40, and then 30 percent in the sixth. Elections would be required at the end of the sixth year. This would give the Senate its clout. The government could not be defeated in the House. Only Bills could be defeated. Rigid party lines would not be required, and democracy, freedom of speech, and representation would once again flourish in the House. The performance and the term of the

House would be monitored by the Senate, not the government. The Prime Minister would then lead, not dictate. The country may survive and prosper under minority governments, and co-operation and compromise might be possible, not impossible.

The fiscal decadence of election years would be eliminated since the government would no longer be in control of its elections. The intricacies and advantages here are too numerous to fully discuss. The Senate would also define one or two points that would be determined by a referendum added to the ballot at each election. The referendum would be a yes or no proposition of philosophy. The government would take the direction, develop appropriate legislation, and make it workable. This would prevent Parliament from arguing extensively over moral issues. It would also reduce single-issue politics and force a majority rule on some items. Examples include capital punishment, bilingualism, abortion, free trade, et cetera.

I would propose that the Senate electoral districts be determined by a formula including both area and population factors. The simplicity of one person per square kilometre is very attractive. Each area could have at least 100,000 people as well as at least 100,000 square kilometres. In some areas, such as lower Ontario, the minimum 100,000 square kilometres may encompass several million people. In other regions, such as the north, the minimum 100,000 people would occupy vast areas. A Senator would never represent less than 100,000 people. This process would yield about 75 Senators, and the Senate would then elect a Governor General to perform as Speaker.

2:45

One of the regions would elect a new Senator every month. Each region would take its turn. Each month the media would be focusing on the needs, feelings, and issues of one of these regions in the country. This in itself would help to open the minds and hearts of other Canadians. Think of it: we would learn about Canada in our media. We would learn that French fact is fiction in much of Canada. We would learn that the French issues are significant in parts of Alberta. Through it all we would simply understand Canada better. If there were no other reasons, this would justify my Senate.

Secondly, 12 Senators would be seeking re-election each year. Thus the Senate would always be experienced but mindful of its electorate. The logistical and political advantages are numerous. The boundaries of the regions would be determined by socio-economic criteria: common industry, cultural mix, life-style, et cetera. Because the area is based on similar demographics, the people have a better chance to be heard without filtering. Every effort should be made to ignore and override provincial boundaries. Examples: two areas should be arranged to represent the eastern and western native reserves. Thus the natives will be assured a measured voice in the new Canada. Areas including Banff, Jasper, Golden, Revelstoke would have similar industries and could have one representative – northern Manitoba and Ontario, northern Alberta and northeastern B.C., Toronto and Hamilton, Ottawa and Montreal together, the maritimes, and so on.

Remember here the purpose of the Senate would not be to govern. Unless we have some representation such as the above, Canada will continue to be controlled by American 'wannabes' huddled near the border. People in Rocky Mountain House do not worry about cross-border shopping or brain drain or cultural drain. They're Canadians. Without some power given to the central and northern regions, Canada will continue to be developed by the people on the 5 percent of the lands that are nose to the border. We will never develop as a true nation with identity, pride, and purpose.

As it is, people are increasingly frustrated. Their anger is growing. Is it bilingualism, multiculturalism, capital punishment, economy, Meech Lake, Quebec crisis, native issues? I think it is simply that the politicians are not listening. There is no voice for the silent majority, no forum to hear it. Perhaps these issues cannot withstand the rigours of debate and we are being given a Canada defined by a philosophy based in some eastern fantasyland that no one wants in reality.

In conclusion, when we make changes to the Constitution: principle, principle, principle; debate it, debate it, debate it; and test it, test it, test it.

Thanks for this opportunity. In 10 years when my son and daughter ask, "Why didn't you do something?" at least I'll have an answer. Thank you.

MR. CHAIRMAN: Thank you very much, Cliff, for your intriguing presentation. Relative to the Senate, I guess the triple E which you dismiss, you agree with two of the Es, elected and effective. You went on to define the effective E which has been very difficult to define, but it's the equal E that you don't agree with in the current proposal.

MR. C. BRYANTON: I don't agree that it would be equal, and I do not agree that it would be effective.

MR. CHAIRMAN: Well, you defined that it has to have some responsibilities, and that's the effectiveness. You went on to define what you believe that E should be. That's what I meant.

It's an intriguing proposal, particularly having an election every month. I've been told often that we have too many elections in Canada, but nonetheless it's an interesting one.

The other comment, just quickly, and that is the nature of polls. You have referred to the current government's unpopularity as demonstrated in the public opinion polls at 10 percent. Of course, that's a challenge, to know whether or not those polls do in fact reflect, and that's the tough one. Are we going to rely on commercial organizations or is there some better way of assessing that on an ongoing basis I think is really an important issue.

MR. C. BRYANTON: That's why I had the elected Senate there as a filter: so that we're not taking polls and the government would not be held hostage to polls. The Senate would rationalize that and evaluate that and moralize that and act as a filter between the radical changes in public opinion polls, and they would not be subject to the types of questions the polls ask. That's why I do not have that a public opinion poll would have any effect on the government itself. We have no forum for that at this stage.

MR. CHAIRMAN: Yes. Lots of questions. Dennis.

MR. ANDERSON: Mr. Chairman, two questions. First a comment. I think you have a wise father who encouraged you to come. That kind of thoughtfulness is what we need in terms of determining the future of the country.

The first question is just a technical one. Do you happen to have a map which has worked out your Senate regions? You had the criteria there. It seems to me that they might clash with some of the principles, but if you have it worked out, that would be helpful.

MR. C. BRYANTON: I have worked it out. I don't have it here with me.

MR. ANDERSON: If you could send it to us, it would be most helpful.

MR. C. BRYANTON: Certainly.

MR. ANDERSON: The question deals with your several references to our current way of dealing with constitutional change; in other words, you referred to the 11 first ministers and, I guess, implied by that the process in the Legislatures which comes with it. How do we change the current Constitution? How we have in the past is by that process, so we're now looking at a new way of achieving that.

MR. C. BRYANTON: These forums are great, and I want to thank you very much for considering them. The last, Meech Lake, just did not work for anybody, and this is how you get the input.

I'm not sure how you effect those final changes. In future maybe within the existing government we would have an elected Senate to assist. We don't have that now, and we have no national body that we can really trust to look after these things. So now I guess we would have to have these forums, get the input, get two or three proposals, debate them in the national forum, then sit down and try to institutionalize them. It's a difficult task, and I'm not quite sure of the intricacies of it with the existing structure. It's so easy to get political answers built into the Constitution with the existing situation.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Fred Bradley.

2:55

MR. BRADLEY: Thank you, Mr. Chairman, and thank you for your very thoughtful presentation. Obviously a great deal of thought went into your presentation.

There's one question I've been trying to frame that I wanted to ask you and other presenters. The theme that we've been hearing, and I think you also had as one of your principles: equality opportunity. Others would say equal treatment: any Constitution we come up with, everyone should be treated equally, no special status. We have that theme coming at us very strongly.

You talked about principles, and I think one of the principles that at least I feel is that we should honour our agreements. We're sort of bound by some of the things that have happened in the past which we cannot change very easily. Part of that's the proclamation of 1763 which gave aboriginal rights to our native peoples. The treaties which we have effected in fact do confer special status upon our native peoples. We have the proclamation act of 1763 which gives the French Civil Code to the people of Quebec, guarantees the French language, separate schools, and other issues. So we have this theme of treating people equally, but we're bound by agreements and constitutional traditions. Do you think we should unilaterally break those agreements in terms of coming up with a principle of equality, or do we renegotiate this? It's quite a conundrum in my mind: breaking faith with some of these traditions and agreements that we've had in the past and trying to bring into a constitutional process this concept of equality and equal treatment.

MR. C. BRYANTON: We cannot trust a government that breaks agreements. We must honour our agreements. We must be honest above all else. However, there is much more benefit to Canada today than there was a hundred years ago. We are providing more. Surely there are opportunities to negotiate towards a Canada that does provide equally for its citizens. It's a goal, and as soon as you define something in the Constitution that's against that goal, that breaks the fundamental principle of equality of races, where does it lead? What of the minorities? Do they really want that principle not to be enshrined? Do they really want that for future generations? Who knows? Maybe one day the majority will take back over this country and democracy will rule again. Do they want nothing in the Constitution that says that the races should be treated equally? I think not. I think if they really consider it, they should above all hold that fundamental principle dearly. We should negotiate with them, take a look at the advantages, the additional things perhaps we're giving to them over and above whatever agreements we've made, and trade off, certainly, but not put items in our Constitution that would forever break our chance of attaining that goal. I think there are opportunities to negotiate.

MR. CHAIRMAN: Thank you very much. Fred's put a finger on something that's very difficult, however, and what you're saying is you wouldn't break these agreements; you would want to negotiate them away in exchange for true equality.

Okay; Gary.

MR. SEVERTSON: Thanks, Mr. Chairman.

Thanks, Cliff, for coming out. You've really put a lot of thought into this. I was intrigued with your Senate proposal; it's the first time I heard one quite like that.

One area you mentioned was that you didn't want party involvement in the Senate. Have you given much thought to how an individual could run a campaign with a minimum of 100,000 people, or would we just get the wealthy or a person that can get support from wealthy people?

MR. C. BRYANTON: I understand. I hear you. My concern there when I said "an independent party" is that the person should run with his own name, not "as a representative of." All right? So on the ballot there would be no PC, no Liberal, or whatever. He should run as his own name.

I recognize that it costs a lot of money to run an election, and there will be parties involved, no question. Everybody will be partisan to some degree. I mean, it's just not possible any other way. I've thought about ways in which we can get around that. Maybe we would even fund or provide a process by which the Senators would be elected. I am not quite sure about that, but I have thought about it. I will go so far as to say that on the ballot he should run without a name – Liberal, or a party line behind him – so that when he gets into the government, he can't be held accountable by saying: "Well, we got you elected, and they elected the Conservative Party. They did not elect you." That's the thing that I think we've got to avoid, because they're going to be making decisions on that basis for the people.

MR. SEVERTSON: It would be quite different even with an election compared to being appointed by the Prime Ministers as we presently have.

MR. C. BRYANTON: That's true.

MR. CHAIRMAN: Thank you very much, Cliff, for your interesting suggestions and for coming forward and expressing them with such eloquence and obvious deep conviction.

Mildred Nanninga is coming forward next, I believe. She was originally scheduled to be on at 4:30 but has been with us all day, has been observing. We'll be pleased to hear your comments.

MRS. NANNINGA: I really don't have too many. I had a few problems so I wasn't able to prepare well for this.

Constitution and the future of Alberta and Canada. I thank you for allowing me a chance to express my views. I'm a fifth-generation Canadian, and yes, I do believe that Canada should remain a nation united. We must not allow any province to become separated from the rest of us. I have visited all the provinces but Newfoundland. Each have their own ways of making a living. I spent time in Quebec, and I know some of the history of the province. My ancestors came to this great province after General Wolfe defeated Montcalm on the Plains of Abraham, and I've walked many times the Plains of Abraham. I was disappointed to see what happened to Wolfe's monument too. Many English-speaking people helped build that province.

The word "bilingual" is ripping this nation apart. Bilingualism is costly as there is so much printed in both languages and a large portion is just thrown away. We're not looking after our environment either while doing such things as throwing out paper.

The Constitution should state that the federal government shall not spend money on multiculturalism. The federal government should endorse a program so that Canadians and new Canadians can learn the history of Canada. I have heard new Canadians say that they felt they have not been taught enough of the history of Canada, which they get taught in other nations. We know our cousins to the south are proud to be Americans. We should be proud to be Canadians.

I felt that Mr. Peter Wadman's statements this morning about Quebec were very good. They are a friendly lot of people.

I believe that English should be Canada's official language in all provinces and used in the legislation, French only as a second language in the province of Quebec as this was granted to the French in 1763 when the British conquered New France. It has been reaffirmed at least three times since, the last time by one of our former Prime Ministers, Mr. Trudeau, in 1982. There are more than French-speaking people in Quebec. I have spoken with the French people there who are trying to learn English. They feel that they want to be part of Canada.

5:05

I grew up in an English/French community in Alberta where we thought of ourselves as Canadians, and so did our parents. Canada has accepted people from all over the world who have come here with hopes and dreams; if you notice my name, it is neither English nor French. They have come from different cultures. They have learned our language. Canada has been a country of freedom, for individuals should have the right to teach their children their culture at home.

Aboriginal people should be allowed to govern on their reserves as we do our municipalities, including the policing. I have sat at conventions with the natives, and I feel that they really know the meaning of life. We should give them a chance to use their beliefs on their reserves unless it's a federal offence, and then I feel that we are all under the same rules.

The roles and responsibilities of the federal and provincial governments need to be defined so that we don't have duplications. What was wrong with the first Constitution of 1867? I haven't figured that one out yet. Was there someone wanting to change our nation to French?

Governments, federal and provincial, should have a limitation on what they can spend. We find ourselves going deeper in debt in many cases, and I don't believe that we need to.

There should be a limit on what individuals can receive as pensions. I feel this way because as I watch people get raises throughout the area, I realize that every time we have a strike, it's because they want a raise because of the percentage – 70 percent or whatever it is if you're a civil servant – you're going to be paid as a pensioner when you retire. The higher your wages, the higher the pension. Can we the people who have not got very much to live on in the first place because we're paying so many taxes provincially and federally – what are you going to do with those people? We've got generations coming up; we're putting more and more people on welfare, and they like it.

Our national resources should belong to each province. If they are to be sold to another country, then the clause should be made sure that all the provinces receive a share.

We should preserve our Canadian heritage with respect: our RCMP in their traditional uniform. This country was built on Christianity. We have never prevented any other religion, but I don't believe it should fall into our heritage. Our RCMP and armed forces should not have to be bilingual. In the case of a war it is the quick thinking officer who will save lives; it doesn't matter whether they're bilingual or not.

I as a proud Canadian felt that it was wrong to choose *O Canada* as our national anthem when we just sing the first verse. Many eastern Canadians at the time were singing *The Maple Leaf Forever*, which detected the history of this country.

I also hear that some people are wanting 16-year-olds to vote, and I feel that 16-year-olds don't even know what they want to do with their life. I don't believe in 16-year-olds voting; I think it's nice that our 18-year-olds do, because they do serve our country at that age, but a 16-year-old has not even completed high school and really doesn't have much knowledge on what is happening in the world.

Quebec does not have the right to separate. If we allow it, are we looking at another Louisbourg? I'm sure you folk know the history of Louisbourg.

We do need Senate reform, and up until late this afternoon I thought the triple E was good, but I was certainly glad to hear other opinions. I thought Cliff, who spoke just before me, had many good ideas, and I think you should really take a look at that.

I'd also like to have the ministers of different departments in the federal government divided up equally throughout Canada. We find that a lot of them are down-easterners, and they really don't know about what is happening in the west. If we were to divide, and if they were, say, from Prince Edward Island or Nova Scotia, when they changed, then the next one should be appointed from the west or central Canada.

We should have a set time for federal elections.

This is an English-speaking country, and I keep hearing about how we immigrate everybody else but the English. If this is so, I think it should be changed, because we do need English-speaking people here also.

We need an environmental law as a nation but with input from all the provinces. I was very impressed this morning, just before noon, when the Harrisons gave their presentation. I thought they had many good ideas, and I hope you pick up on those too.

I thank you for giving me this opportunity as a Canadian to speak to you, and I do hope that this goes well. I'm seeing we have to change the Constitution; I hope we do a good job for the generations to come.

Thank you.

MR. CHAIRMAN: Thank you, Mildred.

Ms Betkowski has a question, and Barrie Chivers.

MS BETKOWSKI: I assure you we all have the same hope that you just expressed, and that's why we're here.

I'd like to get into the issue of multiculturalism if I could, because as you've heard today, it's been a subject that's been discussed quite a bit here in Rocky Mountain House. It seems to me that people are concerned about creating an environment where you isolate one group of people from another by giving government funds to support the culture of that particular group. There seems to be concern expressed about that here, and that's not unique to Rocky; we've heard that before. There's another side of it, however. The other side is: if someone comes to this country and doesn't speak English and needs a little help in assimilating into the Canadian culture, should that be a role for government? I'd be interested in your thoughts on that.

MRS. NANNINGA: Well, we have English as a Second Language, which is being paid by the federal government; that doesn't come into multiculturalism. I have seen a lot of money spent locally on multiculturalism, and I feel that that is a waste. If we want to do something to integrate and mix people up and get them to learn about our country, then there is a way of doing it, and my way of thinking is that the federal government go back into student exchange, 4-H exchange, and things like that, so our young people can see how other parts of our nation live. I don't think there was a better program. They did away with it about a year and a half ago. I think it was April 1 of 1990; it could have been '89. I think that was wrong, because those student excnanges and those 4-H programs have done a lot for people and especially those who have gone from the province of Alberta to Newfoundland, to Prince Edward Island, or even Quebec. I lived in an area where the student exchange went three times to the province of Quebec. Those students came back feeling far different about Quebec, and I'm sure our Quebec students felt quite different about us Albertans.

MS BETKOWSKI: I agree, and if you don't mind, I'm going to ask it again. I agree: the student exchange for a broader understanding of what Canada's all about. What about the little kid from Vietnam that moves to Rocky Mountain House? Should that child be assisted in learning English in a special way as part of their school system?

MRS. NANNINGA: They are.

MS BETKOWSKI: Okay. And you don't have a problem with that element, then, of what some would call multiculturalism.

MRS. NANNINGA: No, I certainly don't. We're making them a Canadian the same as every other child. If we had a handicapped child we would look after them; therefore, we should look after anybody that doesn't speak English. Here in Rocky Mountain House we do have French immersion.

MS BETKOWSKI: No. I know. Okay. I just wanted to make sure that distinction was there. Thank you very much.

3:15

MR. CHAIRMAN: Barrie Chivers.

MR. CHIVERS: Tomorrow we'll be hearing . . .

MR. CHAIRMAN: Actually, Barrie, Friday. Friday morning.

MR. CHIVERS: Friday. I'm sorry.

MR. CHAIRMAN: I'm sorry; I forgot to mention it to you here.

MR. CHIVERS: Yeah, I'm a day ahead. Right.

On Friday we'll be hearing from Mr. Parizeau, the leader of the Parti Québécois, and I expect he will be trying to persuade us that separation is in the cards. I'm just wondering, if you could be there, what your message for Mr. Parizeau would be?

MRS. NANNINGA: Well, first I'd have to hear what he had to say to know how I would react, because you can't react to something when you don't know what somebody is going to say. I personally feel that Quebec belongs to Canada and that those people there are quite willing to stay with us. I'm sure there are many French in Quebec – the ones I talked to back in '77 in Quebec City, in Inverness, Quebec, or Sherbrooke, Thetford Mines, in the eastern townships, as they may call it, all had concerns. I have been there since too, but the ones I talked to before the last referendum certainly wanted to be Canadians, and had a lot of concerns.

MR. CHIVERS: Mr. Parizeau, of course, is attempting to persuade Quebeckers that they should separate from Canada.

MRS. NANNINGA: Right. But didn't General de Gaulle get the people to come in from France after our last war to do this to Canada? I read part of the book *Conning the Canadians*, and maybe we all should read it.

MRS. GAGNON: I agree with you. I think the rank and file Quebecois is a strong Canadian and wishes to remain in Canada; I'm quite certain of that. But if your proposal that 7 million French-speaking Quebecois have English as an official language were imposed, I think that would definitely finish it. To me it's ludicrous to expect 7 million people who are French to have English as an official language.

MRS. NANNINGA: But they don't mind running around with their cameras and knocking all the English signs down. I think that's ludicrous too. At the same time, I didn't say to do away with the French language; I said they had the right . . .

MRS. GAGNON: No. You said their official language. Can you imagine here if you said that French should be the official language of Alberta?

MRS. NANNINGA: Well, let's face it, how many English have we got in Quebec yet?

MRS. GAGNON: There's a million there, and there's a million Francophones outside of Quebec. There are a million French-speaking people there.

MRS. NANNINGA: Yeah, but there's a million English in Quebec.

MRS. GAGNON: Right.

MRS. NANNINGA: We don't have a million French in Alberta, so there is a difference.

MRS. GAGNON: No, but you do have 7 million people in Quebec who speak French.

MRS. NANNINGA: But there is a difference.

MRS. GAGNON: I don't want to argue with you.

Another point I also want to make. You said many English people helped to build Quebec. That's absolutely true, and we value that.

MRS. NANNINGA: I hope so.

MRS. GAGNON: I would wish that people would know that many French-speaking people helped to build Alberta, my parents being pioneers here.

MRS. NANNINGA: I certainly bet that they still want to be Canadians, as much as my relations who are still in Quebec want to be Canadians.

MRS. GAGNON: Absolutely. Right; I agree with you.

MR. CHAIRMAN: Well, thank you, Mildred, for coming and being a faithful listener and attender this afternoon, and for your presentation.

We have two more presenters. For the members of the committee, Richard Gehrke has now withdrawn, so you might cross that name off if you haven't already done so. We're waiting to hear from Shirley Gish and Noreen Fortin. If they're not yet here, perhaps we could take an adjournment at this time and wait till they arrive.

[The committee adjourned from 3:18 p.m. to 3:45 p.m.]

MR. CHAIRMAN: Could I ask that we reconvene? [Not recorded] into the room, please.

We'll just be a moment. I'm sorry. I thought we were all in the room.

All right. Thank you very much for coming to talk to us this afternoon. We're putting you on slightly earlier than your scheduled time of appearance, but we are running slightly ahead of time. We welcome you and ask you to please make your presentation.

MRS. GISH: Okay. I have three concerns that I would like to put before you today. I'll be as short as I can.

The first one is the abortion laws. I have a bad time with that. I believe that the fetus is a person in its own right from conception. I hear from people, "Well, if you do an abortion in 14 weeks," or whatever that number of weeks is. It makes me wonder when I hear that the fetus is not a body; then how does it grow to be the 14 weeks or whatever that it's safe to do the abortion? I think that the rights of the fetus need to be protected. I hear ladies say, "Well, I have the right over my own body." I have no argument with that, but in this area I believe the right that she has over her body has to be before she gets into bed, not after. In this day there are so many contraceptives on the market that I really don't see why there need be abortions. When I was growing up, there weren't any. I didn't want any children, but the good Lord blessed me with four, for which today I am eternally grateful. This is my petition on abortion.

The second one I have is capital punishment. I have trouble with this very much, because it isn't right to take a life. But, on the other hand, what about the lives that are taken of people, like little girls who are molested, like this little three-year-old girl not too long ago in Ontario who was tossed in the river after she'd been raped and molested? That I do have a big problem with. Anyone who does these dastardly things – to me they are dastardly, especially in the area of children. Whatever did they do to deserve something like this? Invariably, the perpetrator is put into a mental home for a psychiatric going-over, and then within some time he's out again. Many times the crime that he had committed the first time is done again. I feel that everyone should have a chance, but I also feel that if he's done it the second time, then he has lost his right to be called a human being.

Along with this, I have something to say about the Young Offenders Act. I am of the opinion now that our young people are getting completely out of control. When they hide behind the Young Offenders Act, they are committing crimes that are adult crimes, but they are being shielded because they are not 18 years old. I have two examples. Our school was burnt down. It was millions of dollars for the two schools to be rebuilt. There was one person that took the whole blame because he was 18; the rest were under 18. Of the other three, there was never anything said or done that we ever heard of again. Just recently some people were on a holiday. They locked up their house. People were looking after it, but on Saturday night some kids decided to have a party there. They broke into the house. They were drinking beer. They totally wrecked that house. Their furniture was all out in the front yard, and the inside of the house was a total disaster. But they were all under 18, so there has been nothing done with them. I don't mean to say that they should be put in jail, but they must come to realize the consequences of their actions, or when they're 18 or 19 or 20, they may be out holding up gas stations. If they don't have any retribution to have to pay, then it's just a lark for them. When our school was burnt down, if one of my boys had been in on it, he would have had to go out there and clean up that mess and work his tail off helping to clean up the terrible mess of that school.

That is what I have to put before you, and I thank you very much for hearing me out. I've never done this before, so I'm acting very, very nervous. Thank you very much.

MR. CHAIRMAN: Thank you very much, but don't go away. We may want to have a discussion with you. And feel relaxed. As I said earlier, we've never bitten anybody that came before us, although sometimes we've felt that some of the presenters wanted to bite us.

I'm interested in your concerns, and they do relate to issues which now are the sole responsibility of the federal government rather than the governments of the provinces. Nonetheless, we are looking at the issue of such things as the Charter of Rights, which is part of the Constitution of Canada, and the division of responsibilities between the provinces and the federal government in the Constitution. So the concerns, while they are not at this moment directly ours as a government in the province, are obviously of real concern to you.

One of the things in particular that has been suggested, and I would also have to say very strongly opposed, on the other hand, by some presenters, is the notion that in the Charter of Rights fetal rights be included; that is to say, the rights of the fetus be entrenched in the Charter of Rights and protected in that way. Had you thought about that?

MRS. GISH: Yes.

MR. CHAIRMAN: From what you've had to say, I take it that it would be your view that that should be done.

MRS. GISH: Yes.

MR. CHAIRMAN: That would be a major step to be taken, obviously, and so we do want to know people's views on that if we are going to be discussing the Charter and changing it in any way as we move through this process with our colleagues in other provinces and the federal government.

Yes, Barrie.

MR. CHIVERS: Yeah, if I might just follow up on that question with respect to the Charter. I take it, then, from the fact that you would like to see fetal rights included as a constitutionally entrenched right, that you don't have any difficulty with the concept of a charter of fundamental rights and freedoms.

MRS. GISH: No, I don't.

MR. CHIVERS: And you would support that.

MRS. GISH: I would support it, yes.

MR. CHIVERS: It's a question of what's in it that is of concern to you, the absence of fetal rights. Thanks.

3:55

MR. CHAIRMAN: Right. It's an interesting dilemma, of course, because it was the Charter, interpreted by the Supreme Court, which negated the previous Criminal Code provision on abortion. So it's an interesting situation we have to look at.

The other two topics really are basically federal issues. Are you in any way suggesting that they be transferred to the provinces, in terms of either the issue of Criminal Code matters, where the capital punishment issue resides, or the young offenders legislation? Or do you believe those laws should be uniform across Canada, which is what we have now by the federal government having the Criminal Code and the Young Offenders Act?

MRS. GISH: Well, I guess probably across Canada. I feel that we really do need to direct these minor children into a better way, and I don't see that anywhere across Canada they are made to be responsible for what they're doing.

MR. CHAIRMAN: Well, unlike the United States in matters of criminal law and young offenders legislation, those laws apply uniformly across the country because they are federal laws. In the United States, of course, there's a different situation, where some states have the death penalty and others do not. You're not advocating moving to that?

MRS. GISH: No.

MR. CHAIRMAN: Okay. That's helpful for us to know, because quite frankly we haven't had a lot of people urging criminal law devolution to the provinces, and no indication on the part of many of my colleagues that they want it. In any event, that's helpful to us.

Any other questions or comments?

Well, thank you very much for coming forward and giving us your views, and thank you once again.

MRS. GISH: Thank you.

MR. CHAIRMAN: Now, we have one further presenter, Noreen Fortin, who I understand teaches school in Caroline and is on her way here. She'll be arriving relatively shortly, so perhaps we'll take another break.

[The committee adjourned at 3:57 p.m. Having waited until approximately 5 p.m. and there being no more presenters, the committee did not reconvene]

9:15 a.m. Thursday, September 12, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, my apologies for being somewhat late this morning, but I got tied up unavoidably.

I'd like to commence this morning's activities. This is one of the panels of the Alberta Select Special Committee on Constitutional Reform. We are into our second phase of public hearings, having been here and throughout the province in late May and early June. At that time we found that there was a long waiting list of people who wished to come forward and give us advice on the future of Alberta and Canada, so we determined that we would hold two additional sets of hearings to accommodate the people on the waiting list and anybody who indicated by the end of July that they wanted to appear before us. We have a full day in Calgary, and again tomorrow we will be back here as well.

I'm Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat, and I'm the chairman of the select committee. I'd like my colleagues to just briefly introduce themselves.

MR. HAWKESWORTH: Bob Hawkesworth, Calgary-Mountain View.

MR. CHIVERS: Barrie Chivers, MLA, Edmonton-Strathcona.

MRS. GAGNON: Yolande Gagnon, Calgary-McKnight.

MS BETKOWSKI: Nancy Betkowski, MLA, Edmonton-Glenora.

MR. ANDERSON: Dennis Anderson, MLA, Calgary-Currie.

MR. BRADLEY: Fred Bradley, Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA, Innisfail.

MR. CHAIRMAN: We'd like now to call Robert Wolf to come forward. As you're coming forward, I just want to indicate that we hope people can conclude their remarks and answer any questions within a 15-minute period. We try to be a little more flexible than that, but we do have a good number of presenters this morning, and I'm hopeful we'll be able to hear them all thoroughly.

Welcome.

MR. WOLF: Thank you. I appreciate the opportunity to appear before your committee. I'd like to not take you all through the things that I've submitted to you. This is my main item that I'd like to bring to your attention. I'd like to speak to a few of the matters that I've outlined there in some degree of their importance.

I'm a geologist, a biologist. I'm somewhat of native origin. I have been fortunate enough to travel very, very widely. I've lived in China; I've worked in the United States. I regard the place we live, here, as a paradise that is getting subjected to some flaws and problems. I mention that in my brief here.

I would particularly like to emphasize that I feel natives need better treatment in constitutional reform and in every aspect of our lives. I think they're widely subjected to environmental racism, where projects and things are decided without their input and are plunked down in their midst with little or no regard to their claims, their life-style, and the things that have gone before. Amnesty International describes Canada's genocidal treatment of natives as barbaric. I think we even saw letters from Switzerland the other day about the treatment of natives in Alberta, but it's widespread in Canada.

I could make representations here on behalf of civil liberties organizations that I belong to, or nature groups, or the industry that I still work in, but as a citizen I'm much more concerned about the things I've listed here. Among those that are really seriously lacking both at national and provincial levels is the matter of freedom of information, which really is very unfortunate both in Alberta and on the national scene. Many of the things I have to say here deal with the secrecy and the lack of glasnost and perestroika at both the provincial and the federal levels.

I included in my material a letter I wrote to Premier McKenna regarding a form of rewarded proportional representation. There are a lot of forms of that around the world, and we sorely need it in Alberta and Canada where we have a government that's in there by a 43 percent vote, is doing all sorts of things beyond its mandate, which is outdated at best in terms of the things that are being done that are very unpopular. Really we need a form of voting that would give, say, a party that had 55 percent of the vote perhaps at least 50 percent of the seats and something that scales down against parties and candidates with less votes. Where we have a government like McKenna's or some we've had here in Alberta, it's really twisted out of shape. It doesn't work properly. It's very undemocratic.

I had a reply from various people to my letter. Deborah Coyne replied to me. Gary Filmon replied. Mr. Hawkesworth replied. I've scattered the copies quite widely. I got a reply from Mrs. Lobregt; I've had a lot of replies from Mrs. Lobregt. I usually do not get a reply from the people that are at the top; I get these letters saying: I'm the secretary, and I've brought this to so-and-so's attention. I don't think that works well enough for citizen participation.

I feel we need impeachment. We need recall. We need plebiscites, referenda, and initiatives. I feel we have a very outdated voting system that goes back hundreds of years and doesn't reflect today's situation where a lot of the matters that are before government could be at least polled with the people electronically. It's simply not good enough to do some of the things that are done without more reference to the voters. We particularly need an immigration debate. I think Canada is saturating us with immigration at the rate of 250,000 a year while ignoring the jobless that are here. I think polls show us that 70 percent of the people feel that this matter is right out of control. We need class action, judicial access to government and to the courts. I would say Canada is behind other jurisdictions on a lot of matters.

We need to be giving consideration to a steady state economy instead of the boom and bust thing that we are saddled with so often where it fluctuates wildly. It is a thing that, I believe, could be rectified by commencing job sharing. In the case of the company that I'm associated with, I think we would be happy to see a system that brought us people when there's a lot of unemployment on some basis where we could train them. If we encountered boom times, we would want to keep some of them. I think it's a very primitive system to throw people away as we do and then put them on unemployment insurance or welfare instead of having a mixed economy that really takes care of people a lot better than is going on now.

I feel that I want to see a very strong, nationalist central government. I don't want to see provinces grabbing sectors of the decision-making and playing off one against another and actually further abusing environmental concerns and perhaps alienating provinces more to split up the country. I think that we're very saddled with captive agencies. I mention them here in one way. Like the NEB, the ERCB, and the NRCB so many of our agencies are captive to the industry they regulate. I've spent months in some hearings, many years overall. I've never won a thing in going to these things, because they really are captive to the industry they regulate. We see the NEB coming out here and saying they need another 155 employees. All they need to do is send out the rubber stamp and get a clerk to wield it, because they do not deal with these matters in a sense that deals with the public interest. They deal with it in an industry way, and our own agencies here in Alberta are doing the same thing to us. I've appeared before them in many instances, and whether it's something like cost/benefit, it's phoney; if it's environmental assessment, it's phoney. I would say that prostitute agencies or consultants come in and their material is accepted on behalf of industry, and the public is really out of the picture.

9:25

I feel that we're really living in a paradise here, and it becomes more apparent to people the more you see of the world. I feel that the preservation of the quality of life that we have here is an extremely high priority for a government to be considering. Essentially we're saddled with a lot of what I would call mindless growth dedication. It's just not good enough for the future, it seems to me.

I follow the jurisdictions in the United States about some regulatory things that go on there, and I would say that I feel Louisiana is ahead of many of the provinces and Alberta. I regard Louisiana as one of the worst, most corrupt states, yet they have advances that are really ones our government should be considering, particularly in environmental matters. I feel that there are examples in the United States, as in Alaska where things are considered prior to the leases and the mining claims being granted. We're seeing a lot of abuse in this area, and there's no way for the public to get at these matters. I think we'll be seeing use of article 7 of the Charter of Rights here one of these days, because people are going to be so fed up with the lack of access to decision-making processes on matters like natives, like environmental concerns. It simply is not democratic; it's not good enough.

I think that Alberta should be in the lead in doing these things locally and pressing them on the federal government. I do not want to see more power to the provinces; I think we're seeing an abuse of that whether it's Quebec or various provinces. I think we need to keep our country together and to watch out for U.S. domination, and that's what a lot of the moves that have been made are leading to. There's a lot of things that simply aren't as good down there as we have here, and we need to make recognition of that.

I think our tax system has gone from – I understand that in 1955 industry paid 50 percent of the tax and the citizens paid 50 percent. Presently it's 85 for the citizens and 15 for industry. We hear a lot about saving money and the cost of supporting medicare and things of that sort. Our loan guarantees and subsidies and giveaways to corporations are far out of line in terms of economy; that's on a provincial and national scale.

We sorely need to have more open government. We see restructuring in the former Communist countries, and there's talk of glasnost and perestroika. It's needed here. We need more openness, and we need a lot of restructuring that makes the decision-making process open to citizens.

I don't think there's anything else too much that I'd like to emphasize at this time. I've left you with my letter to Premier McKenna about some form of rewarded proportionate representation. I think that parties in power tend to lose sometimes and lose totally, yet the people that have supported them, maybe 40 percent of the people, can totally lose out in their representation. This is a system that I say demands reform.

I'd be happy to answer any questions that you might have of my submission.

MR. CHAIRMAN: Bob Hawkesworth, Yolande Gagnon, Dennis.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Thank you for your presentation, Mr. Wolf. I agree with you; we need glasnost and perestroika in Canada. But when we see what the results were in Russia, I don't know whether there is any government here in Canada that would embrace it if they think the same might happen. I say that facetiously.

You made a comment about proportional representation. I can see your point about the unfairness with the current system when large numbers of voters aren't represented in the Legislature or the House of Commons as a result of the way a first past the post system works, but on the other hand, proportional representation often ends up in minority governments, which – at least our experience has tended to be in the past – are unstable and have short spans in terms of their terms. Do you see the trade-off of fairness for, I suppose to grossly term it, instability as a fair one, or is there something inherently better about proportional representation and minority governments to serve the people better?

MR. WOLF: I haven't really advocated proportional representation; I say "rewarded proportional representation" where the group that gets a considerable edge is rewarded for having that edge, and that would eliminate, I feel, the complaint that you make. However, I would say that the best government we ever have in Alberta or Canada or anyplace would be minority government, because that's when they're a little bit closer to the people. They realize that they'd better reflect the fact that they do not have an overpowering way to dictate between elections. I feel that really what we suffer here is dictatorship between elections. That's what I'm talking about. Whether it's class action, freedom of information, captive agencies, you simply cannot get at the process as a citizen between elections. I don't advocate proportional representation. I think it has to be a rewarded system.

MR. HAWKESWORTH: Some of the Albertans who appeared before our committee in other centres and here in Calgary have advocated changes such as recall, the right to initiatives, and greater use of referendums to achieve that objective. Why would you suggest perhaps rewarded proportional representation as a structural change as opposed to some of those other suggestions that have been made to us?

MR. WOLF: I think all of those things that I have mentioned, like recall, plebiscites, are democratic concepts, and they're in use elsewhere. When you see ballots in some of the jurisdictions, they have a wide range of things that people can decide on directly, and I feel that's all to the good. So I don't see that the fact you might have recall would necessarily offset the need for rewarded proportional representation.

My member, for whom I used to vote enthusiastically, was Mr. Klein. I just feel that he's become unreachable. He's doing a lot of things that are of the Ken Kowalski type, and I would like to be able to get at him for that.

9:35

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. I'd like to follow up on that. I think what we have now in Canada has become a bit of a hybrid between the British parliamentary system and the American system. If we go further with recall, referenda/initiative, plebiscites, and so on, we will be further along in this hybrid. So would you suggest that we just drop the British parliamentary system and adopt the American system totally? That has been advocated by some people, rather than trying to make this present marriage work or maybe one where we have even more of a hybrid work.

MR. WOLF: Well, I think quite often we mimic the worst things that go on in the United States and reject some of the better ones. I don't favour the United States in many ways, but I think that if they have elements of their system that could democratize ours, I would favour that and not worry too much about whether it goes on honouring the antiquated system we're using.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. My first question follows on those asked by Bob and Yolande, really, with respect to rewarded proportional representation. Is my understanding of it right? Is it a system where the votes are calculated on the basis of a series of choices and then the reward dimension would be a party being able to add a number of seats as a result of being the party with the greatest number of votes?

MR. WOLF: I agree that there are many different forms of proportional representation. I think it would take a real wise set of studies and hearings to devise one that was suitable. I think if it is rewarded so that the majority party, whether it's in votes or in seats, gets a proper representation for the fact that most people voted for them, it would improve our system.

MR. ANDERSON: Mr. Wolf, do you not think there's a conflict between that concept and your last point on the page, the weakening of party control? At least most systems of proportional representation I've seen, and particularly, I think, with this reward dimension, allow parties a greater control over that electoral system because they have choices of those individuals on a party basis as opposed to an individual constituency basis. It would seem to me that you're strengthening the party system and, therefore, the party's control once you enter a Parliament or Legislature.

MR. WOLF: Well, that could easily be a flaw in my concept. I like to see the member answerable to his constituents the most. This last stuff I have here is sort of a family item, and we were mixed up about how we wanted to express that. I don't think I've expressed it very well, but I do like to see freedom from party discipline in our government.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Wolf. We appreciate you coming forward and giving us your views.

Ruben Nelson is next. Morning.

MR. NELSON: Good morning. Thank you for doing this. You have my sympathy and respect. I kind of have a feeling that it's like a dance card at an old-fashioned formal, that you kind of go from one partner to the next and try to keep track of who you're with and what the music is playing.

MS BETKOWSKI: Speak for yourself.

MR. NELSON: For the moment I'm your date.

Let me walk you through these notes and then make a few more comments at the end. Essentially what I want to do this morning is share with you or outline a way of thinking about the conundrum that we're in in Canada now, kind of where we are, how we got here, and how we might get out of it, that I think differs at least in part with the normal ways we're going about it. That's not to condemn the normal ways, but it is to say that sometimes when you're stuck, the ways you're trying to do things don't get you where you want to go.

This comes out of my life. I'm a bit of a strange bird. As you know, I've lived most of my adult life as a futurist, thinking about the forces of change and where they may take us and what we might do with all of that. Accordingly, what I've come to understand is that the really hard part of taking change in the future seriously and kind of coming to terms with that is that things begin to happen which take us outside the frames of reference that we're used to. This is not a new thought in our culture, as I suggest in my notes here. It's like the old joke that ends up: well, if I was going to go there, I wouldn't start from here on this road. We kind of know that, yet in fact to learn to do it together is difficult. That's not to condemn anything; it's just to acknowledge that. That's really the hardest part of doing that, yet it seems to me it applies to Canada right now. I've also decided that given the 15 minutes, this is possibly a helpful thing to do. At least it will provide a break for you from the other kinds of things.

The first proposition is that my own sense is that Canada is in a crisis now. It's not that if we misbehave, we'll get into one, that if we don't do a deal with Quebec, we'll get into one. We're in one. Therefore, any talk that says if only we would do thus and so, whatever the thus and so is, to avoid a crisis is beside the point. I'm going to talk later about what I think the nature of that crisis is.

I want to suggest further that we've not bottomed out yet, that it's going to get a lot nastier before it gets better, that any thought that we can kind of magically do this round and meet Quebec's needs and that'll be the end of it I think is an illusion. I don't think there's a ghost of a chance of that. Therefore, to help create the expectation that that's the case – that if only Canadians would kind of behave and follow the lead of their leaders, then we can avoid a crisis and be good people – I think is setting us up for failure. Because when that doesn't happen, as when Meech Lake collapsed . . . You remember the psychological environment around Meech Lake, which was incredibly nasty. It took courage for Canadians to look most of their leaders straight in the eye and spit in it. But that's because the leaders set themselves up for failure; it's not because Canadians misbehaved.

The same dynamic is going on now, so I think we need to help Canadians expect that no matter what happens, this isn't the end of it. My own 10-cent prediction will be that in fact this round will fail, as did the last. That's not because of – that's not an accusation of anybody. I just don't think there's a way. I think what we're into is so much deeper than where the discussion is that we won't be able to settle it with this kind of a round. On the other hand, I think the fact of crisis, if you're willing to explore it, not avoid it but explore it, and to go into it and face it, is an incredible opportunity for new health to come out of it.

I don't want to despise the fact that crises are painful and frightening. I mean, I speak as one who had a heart attack some years ago. It scared the hell out of my wife. It's one of the few occasions she's ever been drunk, as she flew across Canada wondering if she was coming to a funeral or what. Then if she found me alive, she was going to kill me. If you talk to David Crombie about his heart attack, if you talk to people who have survived divorces and used them creatively, it's not that you'd sell them door to door to your neighbours, but in a funny kind of way they put you on a new road that you couldn't have got to without it. You talk to people about the most important stuff they learn in a life and almost invariably it comes out of deep, deep pain.

The strategy of having Canadians avoid the crisis rather than go into it, which has been a 30-year strategy in Canada, I think is just not on. I want to reinforce what seems to me to be the insight of the Hebrew-Christian tradition, of psychotherapeutic tradition, of virtually every major spiritual tradition on the planet: that in fact out of death can come resurrection, but you don't get to Easter without Good Friday. Basically, we've had a 30-year conspiracy in Canada. I don't mean it in a nasty sense, but to avoid Good Friday yet to promise us life I don't think is on. I think we've got to face up to that.

It follows that we need leaders in all areas of life in Canada, not just political – I mean, this needs to be in every area – who understand this dynamic out of their own life, precisely because for so long we've tried to avoid the hard stuff and hoped that we can paper over it and then get on with things. I say that not as an accusation but just phenomenological description. I find it understandable, for example, that Francophones, particularly those in Quebec, would threaten the rest of us with a crisis if we don't accept their demands and meet their deadlines. This is not an unknown tactic in any human relationship. This isn't something that Francophones invented and the rest of us don't know.

What I decry is the fact that for 30 years most English-speaking leaders, particularly those with a formal leadership capability, have in fact encouraged the rest of us to go along with this, to avoid the crisis rather than be willing to face it and then say, "Well, it may break up, but if that's the case, then let's face it and work it through." Rather, we've been told that it's unthinkable, that Canada without Quebec is nothing, that Canada without Quebec is just an America. Anybody who knows Canada knows that's a crock, but it's been said by every Prime Minister since Mike Pearson, including the present one. It's been said routinely by Premiers and by other leaders. It's still said in Canada, and the fact is we've reinforced the very malady we're trying to avoid. In short, what we need are leaders who are secure enough in themselves to help us follow a road that would in fact heal us.

9:45

Now, if we're going to do that, then I think we've got to understand the nature of the crisis we're in. I don't think it's a crisis of profitable federalism or overlap of jurisdictions – not that those aren't issues – or even of Quebec. I think the deepest crisis – and I think my sense is that this conversation is beginning to emerge in Canada but won't be settled by the time we attempt to fix this stuff up – is in fact the crisis of the strength of our belief in Canada as a project that's an ongoing effort. What we've done inadvertently in trying to deal with the crisis by avoiding it is to erode the very possibility of a belief in Canada that most of us in this room, particularly if we grew up on the prairies, grew up with so intuitively that we just took it for granted. In other words, we have no story of Canada within which we can locate ourselves and live that's both believable and reliable. There isn't a story that everybody believes: Francophones, native people, so-called ethnics, Anglophones, whatever. We have no answer to the question that's both our own question now as well as that of our children: what is Canada most deeply about? We tend to answer that it's a place that pays medicare – that's what defines Canada – and it's a place where we now stay out of each other's lives, that in fact you can kind of do what you want here.

The symptoms of this lack of mythology within which we live can be seen in our elevation of tolerance to the ultimate value. Now, I'm not against tolerance, but it's not an ultimate value. You can't deal with every situation on the planet with tolerance, and we're trying to do that in Canada. The mindless assertion of our mosaic against the American melting pot has become a chant in Canada. We have pom-pom rallies for it without thinking it through and what it means. Our equally mindless defence of multiculturalism, which isn't to say that it's all bad, but the way that it's been enacted and the way that bilingualism has created separate but equal ghettos in the very country that decries apartheid in South Africa – I mean, there are some wonderful ironies in our behaviour. So by lacking a story that includes us all, which is clearly one of the things natives as well as others are saying, what we've done is try to justify the creation of a country in which each could just have our own way and assume that we can stay together. It seems to me that's not on. What we'll end up with is a country that technically is whole but to which no one feels a commitment, and that's the path we're headed on.

The trouble with this strategy – and I would remind you that it has in fact been the chosen strategy of the last generation of national leaders in Canada, and it's still the official doctrine within which we work – is that it erodes the very fabric of the country it claims to enhance. If we continue down this path, we'll travel it until the last one of us reluctantly decides that in fact it's not worth the effort to remain Canadian. If so, we die at our own hands. True, our death will be unintentional, but of course that's the essential nature of tragedy, that the death is not intended but comes out of the failure of the characters.

Canada has always been an unnatural country, an act of will and an act of faith, and if we are to continue, we need good reasons to continue the commitment of faith that is essential to Canada continuing. There is mounting evidence, I think, of the fact that this is being intuitively recognized by Canadians, at least outside Quebec. Consider the rejection of Meech Lake in this light. It's not the only strand, but it's one of the strands there. Consider much of the evidence before the Spicer commission; it can at least be read this way. The call for a strong federal government can be read this way. The rise of the Reform Party, at least in part, supports this view. The demand of Albertans to Quebeckers that they need to tell us clearly whether or not they're interested in contributing to a common venture can be read this way. To use the title of Rollo May's new book, Canadians are beginning to give voice to "a cry for myth" and not just for administrative arrangements. I suggest to you the anger that many Canadians feel, that you folks would know more about than I because they've presented it here and dumped it on your laps if not on your heads, can also be read this way.

In my view, then, the overriding task we face is not "to reach an accommodation with Quebec." It's not that I despise that task, but that isn't what's at the heart of the matter. What's at the heart of the matter is to articulate a story of Canada, a story of Canada as a societal project that is and has been and will be. Once this story is visible to us, what we should then be able to do is work out the arrangements of our lives, and those arrangements, I argue, will become clearer. To settle the arrangements on the basis of the story now in vogue is to ultimately ensure the death of the country, even though for a short term we celebrate the fact that we've got an agreement on the arrangements. That, of course, is what I think we're about to try to do.

Now, let me just say a word about alternative stories of Canada so you get a better sense of that. I suggest to you that so far we have tried two and that we find them both failing. The first one we tried is literally caught in the British Act that defined this country initially, and that's the British North America Act. It says everything you need to know about Canada: we are that part of the new world that is essentially British, and the fact is, we're basically British. That's the mythology that one grew up with here on the prairies, that one could come from anywhere to an English-speaking place that was essentially British. Now, granted, it left out native people, it left out Francophones in time, but it basically was a story that worked for a hundred years and was remarkably stable. Over the last 30 years that story has fallen into disrepute. In fact, it's actively been torn down in all kinds of ways, essentially by the leaders of the country, largely out of the pressure of Quebec because Quebeckers couldn't find themselves within that story. Native people also have said, "Well, me too; I can't find myself there," but we tended to ignore them at that point.

So we tried another possibility. We set aside the first story of our country as a country and said, "Let's try another story." I'll just remind you that the first story can be seen as essentially the Ontario version of Canada. It's the version that these folks are most intuitively comfortable with. Ontario to this day says, "We're the only province that really is Canadian." As the billboards used to say, "Buy Canadian; keep Ontario working," in the sense that Ontario is the whole country. There was truth to that in the early years. We tend to resent it, but that's another story.

The second story we tried is essentially the Quebec version of Canada, that we are and have been from the beginning a country of two founding nations. Other people elbowed into that, so not being able to sell bilingualism and biculturalism, we sold bilingualism and multiculturalism. I was there as a little bureaucrat in the Secretary of State when that was invented, so I know that story fairly intimately, and that's the story essentially we've been trying to sell over the last 30 years. Again it left native people out, and what's more, it left a whole bunch of Anglophones uneasy. Now, we tended to say that if you felt uneasy, it's just because you're racist and a bigot, and since we weren't that, most of us shut up.

What I suggest you're seeing is the scab being pulled off that wound and saying, "Look, that story doesn't work any better than the first one." What you're seeing is the collapse of that story in spite of the fact that the attempt that's being made right now is to make that story work; the arrangements that Joe Clark is working so hard on are in fact an attempt to save that version of the story. I suggest to you that it's got no more chance than we have a chance of going back to a basically-British story, and I think for good reasons, nor would I in any sense support it. I think it's not a story worth supporting, because I think if we commit ourselves to it, we're going to lose the country anyway, so why the hell would you do that?

I think there is another possibility, and ironically it comes essentially out of – maybe it's the turn of the prairies, because it's essentially our experience. I'd remind you that the settling of the prairies was the first time in Canadian history that basically people came to Canada from all over the world, speaking different languages, deliberately leaving what they knew at home to create a new life here for themselves, for their kids. That was not true of Francophones in Quebec. It was not true of people in the British tradition all through the settling of English Canada, what we think of as Atlantic and Ontario. But, in fact, that's what we did here. We knew that we were trying to create a new life for ourselves, where anybody could come, and it didn't matter where you were from or how recently you'd come. We were playing in some sense a common game that acknowledged differences, yet there was a common mythology.

I suggest to you that what we did on the prairies is model a story that is now necessary for the whole of the country. If in some sense in Canada we're not doing something that includes all of us, then there are good reasons for none of us to play; we should just turn and go our own ways. Now, it seems to me if we can work out that story, then the arrangements for it – that is, the question of the so-called division of powers, all the kinds of things that mostly you've been hearing about and will continue to hear about. Again, it's not that I despise that, it's not that I don't have views on these things, but I think this way of thinking about it is so fundamental that it needs to be front and centre so that the arrangements follow an understanding of what it is we're trying to do here, because otherwise we get the cart before the horse and we'll fail.

I haven't had time as yet to write out in any detail the elements of these stories, at least for your consumption, although I will in the next few weeks, as well as some comments on what those arrangements might be, because there is a logic behind it. There is a place one can go with it. I apologize for not having done that yet.

On the other hand, we've only got 15 minutes to dance, and that's probably enough of a plateful. So I will be quiet and let you get at me and hold me accountable.

9:55

MR. CHAIRMAN: Thank you very much, Ruben. That was a very interesting analysis and something we haven't heard put before us in quite that way. As we are groping our way through the presentations, it's helpful to take the more philosophical, overall look that you've just given to us.

Questions or comments? Yes, Fred.

MR. BRADLEY: Do you have any preliminary views as to how your story will unfold and what arrangements might be in it in a constitutional sense?

MR. NELSON: Yeah. My short-run scenario is, as I say, that the present arrangements will fail. We will be threatened with all kinds of crises and whatnot, but through that we'll be tempered enough to basically decide: do we want to be Canadian? We'll discover that in fact we want to. I think my prediction will be that although we'll march right up to the brink and it will be nasty as all get out – as any therapist tells you, as long as a couple is still yelling at each other, they're engaged. I don't mean that lightly. I take a kind of therapist's eye on this, although it's not my formal training. I think even Quebec will discover that a lot of the talk is kind of like brave adolescent talk that we can move out from the house but still be on an allowance. It's absolutely clear that we'll just come down like a tonne of bricks if that's not on. You know, if you're going to leave them, let's really get serious about negotiations here. I think we'll go through that process but discover that in fact there's something that we're about.

So I think that will be the dynamic. It will take multiple years. I think in the process we'll throw off many of the leaders who now lead us, because emotionally and psychologically they're not up to this. Whether the next set will be much better one can argue and it's kind of iffy, but I think they'll be replaced. In the hope that at least they are, we'll turn to people who are emotionally secure rather than insecure. Emotional security has not been the mark of many former Canadian leaders.

I think the content will be that we'll use this as a time as well to think more deeply and to think about the frame we're in and think about arrangements that rather than just reinventing an industrial country . . . And I'll remind you that Canada is quintessentially, as is the U.S., an industrial society, not in the sense that we make things but in the sense of the time and history when we were born. We'll think about fresh ways of doing things. One of the things we have as Canadians is an incredible capacity to invent new institutions at the time we need them if we give ourselves that freedom. From the invention of our country to the CBC in earlier times, the Bank of Canada – I'm not arguing that all these things work now, but the fact is that we have that capacity and it's part of our tradition. I think we'll come through this again as we work our way through it. The thing we won't be able to do is do it quickly and hurriedly. I mean, it's going to be a pain and a drag for all of us for most of the decade.

MR. BRADLEY: So you're basically recommending therapy.

MR. NELSON: Yeah, that's right. It's difficult, because a family can go to an external person called a therapist who can work with them and help interpret one to the other. We have to do self-therapy. But I would remind you that self-therapy is a growing movement. It's like any other self-help group; there are techniques with it. It's what Spicer could have done had he himself been secure enough to do that, because one of the rules of therapy is that everything can be said. It doesn't mean that it's all valid, but it can be said. Of course, what Spicer did is what we've had in Canada for 30 years: no, you can't say that here, because to say it, you're a bigot. If that's the environment you're in, then in fact you can't ever get clean about what's going on. You can't hold people accountable for what they're saying.

So, yes, in that sense I would say that what we need are people who are secure enough to lead us, who understand that if you go through a crisis, you can in fact come out of it healthier. The price you have to pay is that you've got to go through it.

MR. CHAIRMAN: Ruben, we're certainly hearing everything being said about the country, from people who say we need just one government, Ottawa, to people who tell us they want separate countries; you know, the separatist concept. We'll hear that tomorrow from Mr. Parizeau, I daresay. These are things we are struggling with, and between those two points there's obviously a lot of ground.

In any event, Barrie Chivers and then Nancy.

MR. CHIVERS: A fascinating and interesting discussion, Ruben. What I'm wondering about is a bit more in terms of process. We've had a number of suggestions made to us of the type of process that should be utilized in order to achieve constitutional reform. In keeping with your views – you described basically the first part of our tradition, a view of society which was basically or fundamentally British and then the two founding nations experiment – we have to go somewhere else. I think it seems clear to all of us that we have to go somewhere else. The question is: how do we get there? It seems to me that process may well be as important as product. I'm wondering what your views are on the suggestions for a constituent assembly and whether or not that would fall within the parameters of the type of therapy you think we need to engage in.

MR. NELSON: I think as a mechanism it's conceivable that it could be set up in ways that help heal; it could be set up in ways that help destroy us. That really depends on intent and framing. In other words, one could see a constituent assembly as further finesse – and I don't mean that just cheaply – that is designed to not break the surface tension of the relationships we have in Canada and not be able to get honest with each other, which is a terribly messy process. One could also see it designed in a way that would do that. Part of that would have to do with how long you think it will take. My own sense is that you measure this in years. This is something that we in Canada need literally years to work through. Therefore, one of the things I would argue is that whatever arrangements we come to should be for now. I think Meech Lake would have passed had we said: "This is a 10-year deal. If in 10 years we don't actively confirm it, it dies." I think if Joe can come to some arrangements now, fine, but make it a 10-year deal so it lets us continue the discussion but without the threat of death and destruction if we don't do it.

I mean, there are ways of relieving the tension in the meantime, of actually getting an agreement, which again is a common tactic in therapy: that in fact you will continue, as long as you appear to be serious about this relationship, to live with each other and not just cut each other up while working this through, or if it's a more serious thing, you live apart while you're working it through. There are ways of making short-term agreements that create a field within which the other can happen. Therefore, the mechanism as such is less than the intent, the depth of understanding that's brought to it. It's the systemic superficiality that we've brought – again, that can sound like a cheap shot; I don't mean that – because I understand that an industrial culture has a bias to "fixing" things rather than moving to upstream causes.

MR. CHIVERS: That may well be the advantage to the constituent assembly process too, that it is a mechanism that allows us to deal with the immediate crisis but deal with it in an ongoing and historical manner.

MR. NELSON: It could be done that way, but I think we'd both acknowledge that it could also be done in a way that it didn't. So it's not the device per se but the way that's it's done. But I agree that it could in fact be a useful device.

MR. CHIVERS: Certainly there has been a good deal of concern presented to us in terms of how you constitute a constituent assembly. It can't be a process left to politicians. It has to involve a broader group. It has to have a broader constituency than just politicians, because there's a concern that politicians aren't really representing the people.

MR. CHAIRMAN: We have to move along. Nancy and then Bob.

MS BETKOWSKI: I guess mine's just a request that as you start to have a better sense of the arrangements you think we might contemplate, I hope you'll share them with us as a committee. I think what I hear you saying is that the quality of leadership that you feel will change is a quality that's going to bring people into accepting a commitment to Canada, and it's not going to be a hierarchical model. It's not going to be any of the models that we've contemplated. So your suggestion for "Steady on the course and give yourself some way of assessing your progress" is a productive one. I won't put a question, but I just ask you to please share it as you go through it, because it's certainly a unique presentation that we've heard.

MR. NELSON: Let me just offer an image or metaphor that I find helpful. It seems to me that in personal life one goes from a state of dependency as a newborn when literally you can't tell where you stop and your mother starts, and that's essentially the state of childhood, of learning in a sense to be your own person, which gets accentuated in adolescence when the myth is that if we just do our own thing and stay out of each other's way, then everything is well. If we work through that, we come to a place where you're a strong enough person, because you've lived your adolescence authentically, that you can then live your life with and through other people without being fearful that other people will own you or manipulate you or destroy you. In marriage, you see, some people think they can fix their marriage by having such a rigid contract that they don't ever really have to engage with each other and, in fact, all problems are settled, as opposed to them taking the risk of intimacy, of how you develop the kind of supportive, open relationship where neither consumes the other.

10:05

I would argue that that's what we face as a country in the way we're now going about it with the whole business of the division of powers. You do this and I do that and we've got to have absolutely no overlap. Intimacy means that in fact any issue is open. So as a quick cut at it, I would argue that rather than going about the BNA Act the way we're going about it, putting all the pieces on the table and saying, "Well, you'll get this one and I'll get this one," in an ecological world the fact is that you can take any one of those and put the whole world through it. If mine is education or health or culture or communications, I can suck everything else in the world into that, in which case this is a silly way of thinking in an ecological world.

I think one could play with an idea – and I would do this over time – of moving towards a Canada in which literally it would be legitimate for the provinces to operationalize everything but in which the federal government has a role of, if you like, the myth-maker, not in a way that it precludes the others but in a way that they share it. Literally it says, like a parent to an adult child: "I no longer in any way live your life for you, but I have the right to ask you questions about any part of your life. Now, the price I pay for that is that you can ask me rude questions as well, but we know we're stuck with each other and committed to each other." That's an image fundamentally different from any on the table now, of either a strong central government in the sense that it's going to run us, and that's boring, or each living our own lives, which is equally boring. I think the question has to do with: how do we help change the metaphors and let Canadians understand that there are alternatives open to us, if we're willing to work our way through them, that we haven't seriously begun to consider yet? That's not a shot at any of us; it's just to say that that's where we are in our development. But if that's where we are, then how do we reinforce that and move on?

MS BETKOWSKI: Well, a codependency model is about learning to deal with something, accepting the reasons, and going on with life, which is what you're saying.

MR. NELSON: But it does mean there has to be a common project.

MS BETKOWSKI: That's right.

MR. NELSON: Which takes me back. If there's not a common project, then in fact the whole thing isn't on. That, I think, is where we are.

MR. CHAIRMAN: As chairman I'm getting a little anxious, because we have a long list of people to appear and Bob Hawkesworth and Yolande both wish to pose questions or comment.

MR. HAWKESWORTH: I'd perhaps be content, Mr. Chairman, if I knew this was not the end of our presentation. I guess my only concern is that seemingly the only group in this country at the moment that seems to be wrestling with this in terms of a real discussion about the project is the federal cabinet. Our first ministers, our Premiers, can get together, but one party is not there and won't be there sitting and waiting for proposals from the rest of Canada. Whether in fact they're represented or not, Quebec has some of its own stories that it's telling itself about its place in North America, its place in Canada, that Canada doesn't want it, and at the moment there doesn't seem to be a lot of communication going on between the two sides. I don't know whether that complicates what you're telling us today or if that's just one more challenge we have to overcome. I don't know.

MR. NELSON: I think the latter. Could I say, Mr. Chairman, that I live in Alberta. I'm a citizen. If it's helpful, I'm perfectly willing to appear either with this group again or as a consultant. I'll let anybody buy me a cup of coffee.

MR. CHAIRMAN: Thank you very much.

MR. NELSON: This needn't be the last opportunity to think about these things if it turns out that the way I think about them is helpful.

MRS. GAGNON: I'll try to keep it very brief as well. I just want to say that I'm a Francophone Albertan who lived with both story one and story two my whole life. I'd also like to use a metaphor, that of giving birth. I think at this point in time we're going through very hard labour which will last a long time, and at the end of it hopefully we'll come up with a beautiful child.

I think what you're suggesting, though, is that we all have to accept higher order values. I'm wondering if what you envision would be those common values we would all share: fairness, social justice, openness, that kind of thing. If we developed that, however, we still would have some of the thorny issues about culture and language and freedom. I agree with you totally that we have to have those common values, and hopefully we'll arrive at those. What is dear to us? What is our story? But how will we resolve those still thorny issues of living together, sharing those values? Will we have to put aside other things in order to have the higher values?

MR. NELSON: In my lexicon a story which is about a common project is a more fundamental thing than values. The values are a function of the story rather than the other way around. Therefore, it's not that I in any way despise values – I think they're terribly important – but my observation would be that getting common values doesn't take you very far precisely for the reasons you've implied. It begs the question: what story are we in and is there a common project? If you can get that, then in fact the other gets worked out. So it's not to despise that but to say that I think the accent has to be on: is there something worth doing together that includes everybody, including Francophones? Is there a good reason to say to folks in Quebec, but not to beg people to stay: "Look, we're on such an exciting project here; you can either be part of it or not. If you finally decide to leave, God bless, but the fact is that with or without you this is the project we're about." You see, it's the lack of that confidence that there's a Canadian project with or without Quebec that's killing us, in part because all our leaders for 30 years have told us that if Quebec leaves, we're finished.

MRS. GAGNON: A simpler way of putting it is that there's been a lack of leadership.

MR. NELSON: No, there hasn't been a lack of leadership.

MRS. GAGNON: Or the right leader.

MR. NELSON: There has been from Mike Pearson through Pierre Trudeau and Brian Mulroney. I mean, in that sense, to use Mulroney's phrase, they've all sung from the same hymn book. It's a hymn book that has said that the pacification of Quebec is primary and, in order to do that, we will even abort the known story and try to replace it with one and foist it on people if need be and not work at that. There's been leadership in that. They've been incredibly effective, and it's cost us billions of dollars. I mean, there's been lots of leadership. What there hasn't been is integrity. It gets back to your values.

MR. CHAIRMAN: Thank you. We'll look forward to reading your completed scenario when you finish it. Thank you very much.

I don't believe Glenn Carlsen is with us, unless I'm mistaken, so we'll move on to the next presenter, Norris Wood.

MR. WOOD: Good morning.

MR. CHAIRMAN: Good morning.

MR. WOOD: I will begin my remarks by asking: is Canada today operating as a colony or a democracy or a dictatorship? Here are my answers to that question. It appears to me that when the current Prime Minister, cap in hand, goes to the Queen for a decision and she makes the decision, we are a colony. I refer to the appointment of the eight extra Senators, all patronage appointments.

Two, I understood that at the 1982 patriation of the Constitution we had cut the apron strings and were now a democracy. If this is the case, the offices of Governor General and Lieutenant Governor, patronage appointments, are redundant. These positions should be abolished immediately, resulting in a considerable saving to the taxpayer.

Three, when the current Prime Minister expels from the caucus MPs who vote according to the wishes of their constituents, this is a dictatorship. I refer to MPs Kindy and Kilgour.

The current Charter of Rights and the Constitution are a continual bone of contention. Canada operated for over 100 years without these documents and without the turmoil we're going through at the present time. I predict it will become worse. More and more decisions are now being made by the Supreme Court.

In my opinion, the following should be implemented into a new Canadian Constitution. Elections, both federal and provincial, should be held at a fixed date every four years. This would eliminate one person deciding when it is an advantageous time to call an election.

The Prime Minister would be required to face the electorate countrywide. This would eliminate the current practice of a party leader automatically becoming the Prime Minister. This could also apply provincially.

The Prime Minister's position should be limited to two four-year terms. This would eliminate a dominant Prime Minister term after term dominating a weak cabinet appointed by himself.

Elected MPs and MLAs are servants of the people, not of their particular party. They should not be required to vote along strict party lines.

10:15

A system of recall and/or impeachment of MPs, also MLAs, should be established. Under our current method, once a member is elected, the electorate lose control until the next election.

The size of the cabinet, within reason, should be established. We do not need 39 cabinet ministers plus deputy ministers to govern 26 million people. Our neighbours to the south have 12 for 250 million people.

The mandate of the government, as I understand it, is to pass laws and to see that they are enforced. The government should not be operating Crown corporations and especially in opposition to corporations in the private sector. I refer to glaring examples: Petro-Canada and the CBC.

The Senate should be a triple E Senate. A triple E Senate with its check and balance is the only way a province or territory will have an equal say in the operation of the country.

I will now discuss some current problems affecting the country.

The Official Languages Act. During my high school years French was offered as an option, and many of us enrolled. There was not any animosity at that time towards Francophones. This has now changed, and I resent this Act. Why? The bilingual issue started under the Pearson regime, was actively pursued by Trudeau, and now Mulroney's Bill C-72. What are the costs of this program? I say they're astronomical. How are we going to correct this situation? By rescinding the Official Languages Act in Bill C-72. Every person can then speak the language of his or her choice.

The unity question. Let us go back to September 13, 1759, of which tomorrow is the anniversary, when the French were defeated on the Plains of Abraham. During the capitulation of Quebec City and later Montreal, there was not any mention of French language. In the 1791 Canada Act there was not any mention of French language. Every province and territory should be treated equally and governed by the same laws: no special concessions to anyone. We hear continual rumblings from a loud minority, Quebec, to a silent majority, the rest of Canada, that they are going to separate. I say to those who are talking separation that the land in Quebec is part of Canada. To those wishing to separate, they are free to leave the country; no one is indispensable.

Multiculturalism. The word "multiculturalism" was not heard of when your ancestors and mine pioneered and settled this country. Immigrants from various countries brought their own cultures but were assimilated into a founding Canada. The majority of immigrants come to Canada in an endeavour to benefit themselves. They do not expect multiculturalism. They expect to assimilate. By this 1988 Multiculturalism Act, the Charter of Rights, and spending millions of dollars to accommodate ethnic groups, the federal government is changing Canadian traditions. One good example: the turbaned RCMP. There's a growing tendency of political parties catering to ethnic groups in an endeavour to receive their votes.

Immigration. Seventy-eight percent of Canadians said no to a 1987 Gallup poll asking the question: do you think the size and content of immigration should be permitted to change our ethnic and cultural balance? Did the government listen? I say no. What is Canada's criterion for accepting immigrants? I feel that it is badly flawed. Why is the government spending taxpayers' money to educate immigrants? I say let them assimilate into our society at their own expense. Why do we import foreign labour when we have high unemployment? What percentage of our immigrants come from European countries like the original settlers? I do not have any figures, but presume it is a small percentage. What percentage of immigrants settle in rural areas? Again I guess a small minority. Do we have a quota system? Canada's culture is being reduced to a par with other alien cultures. What is our system for eliminating from Canada bogus refugee claimants? Some have been here for five years or more and now have grass roots.

I left out at this time the aboriginal question, the Canadian deficit, foreign aid, and child care.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Wood, for your comments. Questions? Dennis.

MR. ANDERSON: Thank you, Mr. Chairman.

Mr. Wood, you suggested a number of very fundamental changes to our system – the direct election of the Prime Minister and Premiers, and some of the others – some of which would be characteristics of the American system and I suppose some others. Would you suggest changing much closer in all ways to the American system? I'm thinking specifically of the break between the legislative and the administrative functions of government, because you've now taken the Prime Minister or a Premier away from the classical British way of selecting them.

10:25

MR. WOOD: Well, why did the States break away from England in the first place? Because they weren't satisfied with the system. No, I prefer the American system. The people are more accountable to the people.

MR. ANDERSON: Okay. Thank you.

MR. CHAIRMAN: Any other questions or comments?

I don't think there's any doubt that you are advocating abandonment of the British parliamentary system in favour of the American system; that's the bottom line of your presentation.

MR. WOOD: That's right.

MR. CHAIRMAN: Interesting. I'm just going to share with you a little occurrence. I went to a conference in the United States. I have a very close working relationship with the United States legislators at the state level; I'm the honorary director for Canada on the State Legislative Leaders Foundation, so I'm very familiar with their activities and their structure. When I was at the conference in Boston at the end of June attended by legislators, leaders of the various Legislatures from approximately 30 states, the Boston University School of Management put on a course for us on how to be better legislators. Each legislator was asked to give their most pressing political concerns. Not issues; concerns. At the end of the day the professor told us that the most pressing political concern to the U.S. legislators was public cynicism towards politicians . . .

MR. WOOD: Well, we have that in Canada.

MR. CHAIRMAN: Well, I'm just telling you.

. . . secondly, public dissatisfaction with their system of government, and thirdly, the role of the media in terms of their ability to relate to their constituents.

So I just leave that with you for thought. The grass may be always greener on the other side of the fence. The Americans look at our system and say to me, "I only wish we had some of the features of the parliamentary system, such as question period, the ability to question the Prime Minister or the Premiers or their cabinets, et cetera." You know, I'm not denigrating your view at all; I'm just sharing with you that they have very real concerns as well about how effectively their system is able to serve the needs of the people of the United States.

MR. WOOD: Yeah. Well, my answer to that is that although I was born in Canada, I also lived in the States, and to refute your argument there, 95 percent of the people in the States don't know what's happening in Canada, or they're not interested in politics down there to a great extent. They don't know what our system is.

MR. CHAIRMAN: But the state legislative leaders do.

MR. WOOD: Well, yeah, I'll admit there's a few of them; I'll grant you that.

MR. CHAIRMAN: That's what I'm just saying. In any event, it's an interesting point.

Thank you very much for coming.

I believe the next presenter is Naheed Nenshi. I don't believe Karen Gainer is present. I understand Mr. Carlson will be coming to see us tomorrow.

Welcome.

MR. NENSHI: Thank you. Mr. Chairman, members of the committee, good morning. I have been given 15 minutes to speak, which as Mr. Hawkesworth can probably attest to, is like asking a herd of elephants to stampede but only for 10 metres. So, we'll see what we can do here.

My name is Naheed Nenshi. I live in Calgary; I've lived in Calgary almost all of my life. I speak French. My parents came to this country in late 1971. I missed being an immigrant by six months; for those of you who are a little bit swift with your calculators, that means that I'm not quite 20 years old yet. I've never voted in a federal or a provincial election, but I can tell you one thing, and that is that I'm a Canadian and I'm proud to be a Canadian.

In my little presentation today I'm going to touch on two facets. First I'm going to talk a little bit about federalism, how it relates to postsecondary education, because that's my field of expertise. We're not going to go into too much depth on that because it's very complicated and I only have 15 minutes after all. I meant to bring in a copy of some of the research I've done, but due to some technical problems I wasn't able to bring it, so I will send it to the committee. After that I'd just like to talk generally a little bit about the state of the nation.

We'll start with postsecondary education. I have the privilege to attend what I think is one of the finest postsecondary educational institutions in the country, that being the University of Calgary. I'm very proud to be at the University of Calgary, and I'm very proud of what has been done with the University of Calgary largely thanks to the efforts of both federal and provincial governments. However, I have a bunch of horror stories too, and Mrs. Gagnon can tell you many, many of them about the state of postsecondary education in this province today. Let me just tell you a quick one.

I've just been accepted into what is the best business school in this country, which is the Faculty of Management at the University of Calgary. Now that I'm into this program, I still find that my smallest classes have over 75 people in them; my exams are all multiple choice. So despite the fact that I'm going into a program which has a reputation of high quality, that quality is changing and degrading as we go along.

So what in the world does that have to do with federalism? As you all know, education is a provincial matter, has been a provincial matter since Confederation. What a lot of people don't know, though, is the fact that postsecondary education has always been a bone of contention between the federal and provincial governments and in fact is something that we discuss a lot when we talk about federalism and the problems therefrom. If we start right after the Second World War, you'll see that there was a big boom in postsecondary education among Canadians, that largely due to war veterans. Those veterans were all at school on scholarships provided by the federal government. The institutions got used to the money coming from the federal government, and a system evolved whereby the federal government would give per capita grants directly to postsecondary institutions. Of course, the provinces didn't like that very much because that was intrusion into their field of power, so we changed into what was called the shared-cost system: for every dollar that provincial governments would spend, the federal government would also chip in a dollar towards postsecondary education and, by this time, towards health care as well.

Now, that sort of didn't work because there were no controls. The federal government couldn't control how much they were spending, and the provincial governments – well, to be charitable, if another government is spending half of what your expenditures are going to be, you might be a little tempted to spend more than you might afford. So this ran into a program called established programs financing, which is where we are today. This is transfer payments from the federal government to the provinces which are earmarked for postsecondary education and health care. There's no requirement that these go towards paying those funds in particular, but that's what they're earmarked for.

The idea behind EPF when it was introduced in 1978 was that it would escalate with the GNP every year, and frankly, the federal government contribution would remain constant at about half of the cost of postsecondary education. That didn't happen. When the GNP escalator started increasing, the provinces realized that they had a cash cow on their hands and they could get away with spending less and less. It got so that in the early 1980s, for four of the 12 realms of government – because Yukon and Northwest Territories are included as well – more than 100 percent of what they spent on postsecondary education was being provided by the federal government. In other words, the federal government would give $10 billion to, for example, the province of British Columbia, saying, "This is for spending on postsecondary education," and the province of British Columbia would spend $9 billion. In other words, they were supposed to match that $10 billion, but in fact they took $1 billion and spent it somewhere else, which of course is their prerogative. This has changed lately, and the EPF funds have been declining more and more.

Now, if you look at your own discussion paper, there's a rather bizarre graph in here which talks about federal transfers to Alberta for health and postsecondary education. It's on page 10. We can see that the transfers have been rising and rising and rising until 1989 when the federal government, trying to cut off the deficit, froze the payments. Then we have this wonderful dotted line here, which is the projected number of transfers. Now, I don't know who projected that or where it's been projected from. Maybe that's what happens if the Reform Party forms a government in 1992, but I honestly don't see this happening.

MS BETKOWSKI: Bill C-69.

MR. HAWKESWORTH: Federal legislation.

MR. NENSHI: Exactly. But to be honest with you, this is not something that I see happening. I just do not see that the federal government will completely move out of this sphere, especially in terms of what we're talking about constitutionally, which is what I'm going to talk about right now.

We can look at some directions and some trends on to where the funding of postsecondary education is going.

10:35

We'll start with the Johnston report, which was commissioned by the Liberal government in 1983, completed in 1985 with the new government in place. The Johnston report talked about going back to a shared-costs aspect, with the federal government matching increases in funding depending on what the provincial governments were willing to put up, which is a kind of interesting idea but one which I don't think anyone will agree to. Something else, in relation to health care, is that there's a federal piece of legislation called the Canada health plan. This directs EPF funding, but what it basically says is that there are certain national standards that must be met by all the provinces before they're going to get any funding for health care, which is a neat idea, something which I think will probably be implemented in the next few years in the postsecondary educational sphere. The reason I think that is something which I'll be coming back to a little bit later, but if you look at the findings of the Spicer commission, for example, and of every poll that's been done in the last five or six years, the one thing that Canadians seem to agree on is that there should be national standards for social services, and one of those national standards should be in the field of education. I think that's the one thing the Spicer commission found the most consensus on among Canadians. I think that's something which we really have to look at. From there I'm going to go on a little bit. I will supply to the committee some more information on exactly how the funding works, because it's very complicated, but it's something that we have to keep in mind as we're formulating a "new Canada."

From there let me talk a little bit about the general state and why this committee has been set up. My parents came to this country as bona fide immigrants, but I like to think sometimes that they were refugees, even though they weren't. They were refugees; they were coming from east Africa. They were coming from a system where no matter how much wealth they amassed, no matter how well they did, no matter how much good they did for the society in which they were living, they were still regarded as second-class citizens. They came to this country to avoid that. They came to this country to come to somewhere where they had equality of opportunity, where their opportunities were equalized with everyone else's regardless of where they came from and what colour they were. I think that's something which is quite, quite vital.

I didn't mean to really go a great deal into what I don't agree with, but listening to the previous presenter, you're going to see a little bit of a diametric difference here, and I just want to tell you a little bit about why. We've heard a lot about how Canadians should adopt the "American system" and talk about how the American system would help us solve our problems. Well, there are some distinct differences here. One is that 25 percent of Americans are not a language minority, and that's probably the biggest one. Another is that Canadians are – and I like to believe it, and I really hope it's true – fundamentally and intrinsically different from Americans. Starting from social aspects to just our simple culture, some of these things won't work. The question is that if we adopt the American system of assimilation and adopt the American parliamentary system, is that going to bring in problems of the American ills, the American woes? It would be very, very hard to convince me that our theory of multiculturalism is less beneficial than the Americans' theory of assimilation. I can see that we have a great deal less racial violence, a great deal less racial tension than they do in the United States. I think perhaps our policy of multiculturalism is in part to thank for that.

I'm not going to go a great deal into how the government should work, but let's talk a little bit about Canadian society, Canadian culture, shall we? We've heard a little bit about the Official Languages Act today and how, when the previous presenter was in high school, French was an option and a few people took it and there was no animosity. Well, French is still an option, a lot of people still take it, and I still don't think there's a great deal of animosity. We were told that by rescinding the Official Languages Act, Canadians would be able to speak whatever language they choose. Well, Canadians are able to speak whatever language they choose. The Official Languages Act doesn't say that these kids have to speak French, these kids have to speak English, and everyone has to be happy together. I think that's one of the myths of Canada right now, and that's a myth we have to look at and a myth we have to work hard to dispel.

We talked a lot about loud minorities versus silent majorities, and I think that's the key here. I think that's when we start talking about these myths which simply are untrue. For example, we're sitting here in Calgary. Calgary's the most redneck, rootin'-tootin' city in the entire country. We don't want those Francophones here, come on, very Preston Manning, very Reform Party. However, Calgary also has by far the highest rates of French immersion for children in the country. How do we reconcile those two? Which is true? Which is a myth? You see, that's what we really have to look at.

Now, I want to get on to one of my favourite topics, which is the topic of bilingualism and multiculturalism. Oh, boy. I was just listening to the previous presenter talking about how immigrants come to this country expecting to assimilate and how the federal government or government in general should not pay any money to help them assimilate, they should just assimilate on their own, and we'd live in a wonderful, bland, white utopia, as long as we get lots more immigrants from European countries. I don't mean to denigrate the views of the previous speaker, but do you see a base contradiction here? Frankly, we're being told that immigrants have to assimilate, that they shouldn't keep their own culture, but we're not going to help them do it. I ask: how is that going to work?

Multiculturalism is a brilliant idea, and it works well on a piece of paper. But does it really work well for the woman who comes here from Vietnam, who has to take care of her kids during the day while her husband is off at work, who has to go and work in some factory in the evening, who has no opportunity to learn the English language, who has no opportunity to better herself and is simply living in a ghetto? I don't think that when these immigrants came to this country and looked at a land of promise, what they were looking for was three square blocks in downtown Calgary where they can speak their language and the only place they can make themselves understood. I don't think that's fair. I think it's time to start looking at multiculturalism as a wonderful idea and an idea which will forward the advancement of Canada, but it has to be more than words on a piece of parchment in a safe in Ottawa somewhere. We have to start putting it into action. I don't mean affirmative action, and I don't mean employment equity programs. I mean simple things, like how about accessible English as a Second Language course? How about new relationships between government and business in terms of setting up on site, on-the-job job training programs? How about new job training programs, simple things like that? That's when multiculturalism will work.

You see, I don't buy the idea that immigrants are eroding the Canadian national culture, and I don't buy the idea that by letting in all these immigrants, we are getting rid of the Canadian national culture, because frankly what is the Canadian national culture? Can I stand up and say that I'm the Canadian national culture? Can Mr. Hawkesworth stand up and say that he's the Canadian national culture? Can Mrs. Gagnon, who's a Francophone in Alberta, stand up and say that she represents Canadian national culture? Frankly, all of us do. Every one of us has something to contribute to the Canadian cultural and social fabric, and that's what multiculturalism means. Multiculturalism doesn't mean millions of dollars – I don't know where we get that figure – spent on ethnic groups so that they'll vote for this particular party. No. What it means is that every single person has something to contribute to this country, and every single person has the opportunity to contribute that to this country, and I think that's just vital.

I've gone off on a bit of a tangent here. Let me get back to what I feel is the problem of unification here in Canada. My parents came to this country because they liked Canada the way it was. Right now we're talking about Alberta in a "new Canada." I'd like to tell you what I think is really wrong with this country, and it has to do a lot with those loud minorities. Those loud minorities are not ethnic groups. They're not the feminists, the environmentalists. I hate to say it, but those loud minorities are the politicians. I think the best analogy I can use is one which I heard a friend of mine making in a similar submission, which was that the first ministers come to the table and act like it's a divorce court. I want the dog; I want the car; I want the house; you can take the kids. All that we hear is: I want, I want, I want, I want, I want. When we go to a First Ministers' Conference, we have Robert Bourassa speaking for Quebec, we have Don Getty speaking for Alberta, we have Brian Mulroney speaking for Brian Mulroney, and we have nobody speaking for Canada. Canada is just one vote out of 11, yet no one is truly speaking for what is good for the nation. I ask you: is that really what Canadians want?

I find it very, very interesting that in the discussion paper one of the round table discussions was entitled Western Canada Perspectives and Quebec Perspectives. The presenter of western Canada perspectives was Ted Byfield; the presenter of Quebec perspectives was Lise Bissonnette. Now, I wonder: do those two individuals really represent the views of the majority of people in those areas? I hope not. I think that if Mr. Byfield's views were the views of everyone in Alberta, I wouldn't be able to walk down the street without having rocks chucked at my head. Good Lord, a visible minority, environmentalist, student, professionally educated, and I hope he's not Sikh. It's as simple as that, and I really don't think that when you listen to people like Mr. Byfield and Ms Bissonnette, you're really getting the views of people who are Canadians.

It's interesting, because in Quebec they talk about Francophones who speak in favour of Canada as les vendus, sellouts. I really don't think so. I think if you look at it, c'est Lise Bissonnette, Jacques Parizeau, et même Ted Byfield et Preston Manning qui sont les vendus. Ils vendent l'idée qui est le Canada. They're selling the idea which is Canada. They're selling it to gain more power for themselves. It's as simple as that. You know, it sounds like some sort of paranoid, xenophobic theory, but that's simply what it is.

10:45

Let me give you a couple of examples. I took a class last year which was a general interest class in Canadian federalism, about 60 people in that class. It was a general interest course, and none of them were political science majors or anything like that. We ranged in age from about 18 to about 50, all sorts of people in that class, a pretty good cross section of people who live in Calgary. The only thing we had in common was that we were taking a class at the university. We made a submission to the Spicer commission in that class. We found that all but one person in the entire class believed in Canada, believed in Quebec, and believed in a strong central government for Canada. Now, I tell you, that is completely at odds with what the politicians are telling us. We're getting provincial politicians telling us that the old idea of Canada is dead, that the idea of Canada as centralist, one big government, is dead, that what we need is much more autonomy for the provinces. Every single provincial Premier is telling us that, every single one. Yet out of a class of 60 cross-section Albertans, one out of 60 believed in that.

Do Canadians and, in fact, the provinces really understand what it means to be decentralized, for each province to devolve into its own power structure? What it means is that you will not have one nation. You'll have 10 little nations, which may sound like not a bad idea. It might be a solution to our problems, but let's take it on a micro, micro perspective. Let's look at someone entering high school in the province of Alberta and someone entering high school in the province of Newfoundland. Do those two have equality of opportunity? Are they going to get the same quality of education in high school, let alone in postsecondary education? The problem is, no, that's not what's going to happen. You end up with a patchwork quilt across this country, good programs where they have money, bad programs where they don't, and I don't think that's what Canadians want. I think Canadians are committed enough to the idea of Canada to say that, yes, everyone across Canada should at least have equality of opportunity. If the provinces are going to be equal, why shouldn't the people be equal?

One final thing I want to mention just on that idea is: I've talked to you a little bit about the attitudes of people here in Alberta, in Anglophone Canada, but what about the attitudes of people in Quebec? It's an interesting thing to remember, because we have tunnel vision. We say that, oh, separatism is a big, important thing; all the people of Quebec want to separate. We have to placate them; we have to do something because separatism is inevitable. But I wonder if that's really true. A simple examination shows you that 11 years ago, in 1980, separatism was so inevitable in Quebec that they had a referendum, a referendum which barely failed, and separatism was going to happen unless there was another deal. Five years later, in 1985, the Parti Québécois dropped separatism as an election platform because there was no support for it whatsoever, because nobody believed in separatism anymore. Now we're six years later, after the Mulroney government has tried to placate Quebec so much, and suddenly separatism is an issue. I'll tell you this, and this can be my prediction: you saw that after the Meech Lake accord support for separatism was extremely high in Quebec, about 60 percent, and since then it's waned, and I tell you that that 60 percent is the peak. It's the summit, because everything that had gone wrong with Quebec that could have gone wrong, everything that Canada could have done wrong to the province of Quebec, had happened towards the death of Meech Lake, and now it's on the wane. Now Quebeckers are seeing that the people in Canada really do care about making a new deal. They don't care about giving special concessions to Alberta or to Quebec, for that matter, but they care about talking about how we can all stay together, and they are committed to Canada. I think that's the most vital thing, and that's the idea that I will probably leave you with.

I just want to tell you one final thing, which is my dream. My dream is to live in a strong country, a country which is committed to itself and to the people within it. My dream is to be able to go anywhere in Canada or anywhere in the world, for that matter, and be able to say: Je m'appelle Naheed Nenshi. J'habite à Calgary. Je parle français. Mes parents sont venus au Canada en 1971, mais je suis Canadien, et je suis fier. I am Canadian and I'm damn proud of it.

MR. CHAIRMAN: Thank you very much. Any questions or comments?

I appreciate very much what you have put to us today from a perspective that I think we need to hear. As you might expect, we have been hearing a wide variety of views relative to the roles of government: central government, provincial governments. It varies somewhat from location to location in the province. We appreciate your comments.

Yes, Yolande.

MRS. GAGNON: May I just quickly. Were you here when we heard from Mr. Ruben Nelson, the futurist?

MR. NENSHI: I caught the end of it.

MRS. GAGNON: I'd just like to make the comment that he predicted that we are in the midst of birth throes and we are creating a new country. I see someone like yourself as certainly one of those creators, and I thank you for your presentation.

MR. NENSHI: Well, you see, that's the interesting thing. Everyone is talking about creating a new country and starting all over again. Maybe that's what we need, but I honestly think we've got a good thing here; we have a really good thing here. Why don't we build on what we have, start making changes? I don't like to say the term "creating" because creating to me implies we're throwing out 125 years, more than that, of history and starting from scratch, and I don't think that's what we need, really.

MR. CHAIRMAN: Mr. Nelson gave us a philosophical approach to this thing, and it was useful.

MRS. GAGNON: Yeah; maybe we're beyond the baby stage. We're teenagers.

MR. CHAIRMAN: It's a thesis that he's going to develop further, as to where we have to go from here, and we'll be interested in hearing the balance of his presentation.

Fred.

MR. BRADLEY: I appreciate your deep feelings about the country. There's just one thought that I'd like to put forward and ask you a question about. There's one area in which the federal government currently does have jurisdiction – health, education, and the environment, total jurisdiction and responsibility for it – and that's on our Indian reservations. Do you think they have been successful in carrying out that mandate, that it's been effective having them have total control in that area of jurisdiction?

MR. NENSHI: That's an interesting thing, actually. I'm glad you mention that, because it's on my list, and I thought I rather cut myself short.

MR. BRADLEY: We heard yesterday from a treaty Indian in Rocky Mountain House who was very concerned about that and left us with the figure – I think she said about 73 to 75 percent of their expenditure had been in administration, and it hadn't got directly down to the people who required these services.

MR. NENSHI: Well, that's absolutely correct, if you look at the rates. You know, we all know about the unemployment rate on Indian reserves, which is just astronomical. We know about the living conditions. An interesting statistic from a couple of years ago is that 20 percent of homes on Indian reserves had indoor plumbing. So you can see that you're seriously infringing a Third World country within Canada.

Now, you say that the federal government having complete control has not worked, and that's absolutely correct. On the converse, I don't think passing that control to the provinces will honestly be any better.

MR. BRADLEY: I'm not suggesting that we're asking for that.

MR. CHAIRMAN: Nobody is asking for that.

MR. NENSHI: No; I don't think so. Of course, what you're getting at is aboriginal self-government, which is often a very misunderstood term. You know, a lot people think it means many, many small nations within Canada, and in a sense it does. But in the wider sense what it means is giving aboriginal people more control over their own living conditions, because frankly they have this sort of benevolent dictator in Ottawa who tells them exactly what they can do. On some Indian reserves there's not even the equivalent of municipal government. I think that aboriginal self-government is something we truly, truly have to look at, and it's something we have to deal with immediately because we owe a debt to those people.

On the other hand, when we talk about things like guaranteed seats for aboriginal peoples in the Legislatures and Parliament of this country, I'm not so sure that that, too, is such a great idea because we want aboriginal people to realize that they are owed a great deal of respect from the people of Canada, because after all they were here first, but at the same time, they are equal to everyone else in Canada. Frankly, right now they're not. That's something we have to remember. They are denigrated, and they are far below the levels which other Canadians have, and we have to bring them up to equality. But I don't know if elevating them that one step further is something we want to look at.

MR. BRADLEY: There's certainly that area in terms of aboriginal issues, but I also wanted to leave with you the thought that transferring responsibility for health, education, and the environment to a central government may not be the most efficient and effective way of delivering these services.

MR. NENSHI: I don't know that I was necessarily talking about transferring responsibility fully. What I am thinking about a lot in health care is what's already in place, that the provinces have the power over health care. However, the federal government has the right to enforce certain national standards, and that's precisely what I'm looking at.

In terms of the environment, which of course is something which is very, very important, which I didn't mention earlier, if you devolve responsibility for the environment into these smaller areas, perhaps, yes, it will be more efficient. But on the other hand, you'll have wide variances. You know, the environment – the air, the water – is something that flows across provincial boundaries and across national boundaries, so if Alberta, for example, has sterling environmental qualities and one of our neighbours in either direction doesn't, then we're the ones who are losing from that. I think it's important that there be national standards for the environment and perhaps national control over environmental issues because that's the only way we can really make a difference.

10:55

MR. CHAIRMAN: Well, thank you very much. I could go into some dissertation with you on your allegations about the spending of EPF, since I was Minister of Advanced Education between 1979 and '82, but I won't do that now. But thank you very much for coming forward.

MR. NENSHI: Thank you.

MR. CHAIRMAN: Orville Burkinshaw. Good morning.

MR. BURKINSHAW: Mr. Chairman, committee members, and ladies and gentlemen, I thank you for this opportunity to voice my concerns about Canada's problems and make some constructive suggestions that I trust will be given serious consideration.

For the record, I'm a native Albertan, born on a homestead in southeastern Alberta where both my parents and my grandparents homesteaded in 1909, trekking by team and wagon 80 miles from Bassano and fording the Red Deer River. My wife and I have nine children and 23 grandchildren, so we have a lot of reasons to be concerned about Canada. I've spent the majority of my adult life in oil and gas exploration as a self-taught geological engineer. Beyond that, I'm a born optimist. My areas of concern are many, but they can be resolved if we all work at it.

Earlier this year I prepared an eight-page paper entitled Master Plan for a New Canada, and I sent it to Prime Minister Brian Mulroney with a covering letter and sent copies to the Premiers, to 295 MPs, to 109 Senators, and to 755 MLAs in the 10 provinces, Yukon, and the Territories. Out of the 1,155 politicians about 60 responded. I have made copies of all of the send-outs for each committee member and have attached the presentations I have today.

When Joe Clark was made minister of Constitutional Affairs, I wrote him a four and a half page letter and sent copies to all the MLAs in Quebec. That province has been making the most noise about separating, so I wanted to alert them to what they could lose. Amongst the other things I said:

> I for one have no concern about any Province electing to separate when they seriously consider what they will lose. Should [any] Province separate, if they in fact are . . . able to, its people will become citizens of another country and awake the morning after to the following:
>
> 1. Loss of their Canadian Citizenship.
> 2. Loss of their seats and voice in the House of Commons.
> 3. Loss of their seats and voice in the Senate.
> 4. Postal services will be discontinued.
> 5. No Federal Government cheques will be coming for child support, Welfare, Pension Plans, Senior Citizens, U.I.C. or other forms of Government assistance.

And 25 other reasons.

I also wrote to the federal party leaders in opposition and took them to task for being such nonconstructive adversaries in the House of Commons, pointing out that most Canadians find mudslinging repulsive and debilitating to a nation. However, I do admit that under the flawed system they have very little alternative.

After careful analysis of our government system I found myself asking: why are the western provinces so unhappy with Ottawa? Why are the maritime provinces so unhappy with Ottawa? Why Ontario? Why Quebec? Why the natives? Why the north? Everybody's unhappy with Ottawa. Why? Surely 295 MPs and 109 Senators can't all be bad, nor can the 10 Premiers and the 755 MLAs be so incompetent that they're all missing the point. The answer is very obvious: the system is flawed. We just have a flawed system, and that's the problem, not the people who are trying to give us reasonably good government.

On May 25 I attended a hearing in this room where Mr. Keith Laatsch gave a short but very profound discourse on why we need a Constitution and what its function should be. I was so impressed that with his permission I sent a copy to Joe Clark, to all the party leaders, and to the 10 Premiers. Allow me to read a couple of paragraphs.

> Why do we need a Constitution? A Government, in order to function, must have a monopoly on the use of retaliatory force. It is very easy for unscrupulous and power-hungry officials to abuse this monopoly if not controlled. A properly drafted Constitution serves to control Government's use of power and is absolutely essential if we are to remain free. Further, a Constitution must also be a charter that recognizes and protects the individual's basic and unalienable rights that belong to everyone by virtue of their human nature.
>
> Rights should not be confused with privileges granted by Government, as so prevalent in our current Charter of Rights. Finally, a Constitution should specifically define the divisions of power and responsibilities at the various levels of Government.
>
> The basic principle underlying a proper Constitution should be – A private citizen may do anything except what is forbidden, whereas Government can do nothing except what is permitted.
>
> If the above reasons for having a Constitution are valid it follows that the proper method of drafting the document, or any amendments thereto, is to call a convention of dedicated private citizens selected for their integrity, knowledge and statesmanship and who represent regions or Provinces equally. Under no circumstances should any current Government official or bureaucrat be involved except perhaps to chair the meetings and observe.
>
> Remember, a Constitution should be a law to Government from the people.

Allow me to please enumerate some of the reasons why I feel our government system has to be revised. Canada really does not have a democratic government. This is a harsh and blunt statement, since we have multi political parties and elections, but let me explain this fact. The current Prime Minister was, if my memory serves me correctly, appointed leader of his party by less than 1,200 delegate votes. Because that party had the most members elected in the ensuing election, he was sworn in as Prime Minister of 27 million people by the vote of substantially less than one-tenth of 1 percent of the eligible voters. He cannot be replaced for five years without the whole government being brought down. In addition, he alone decides when the next election is to be held, with the only condition that it must be within five years.

That's not the worst part. The Prime Minister then selects a cabinet of ministers who hold their office entirely at his pleasure. If they do not conform to his exact wishes, they can be sent to the back benches without notice at half salary, more or less. Thus every minister in cabinet is forced to perform under a cloud, knowing he or she had better comply with the Prime Minister's wishes or they will lose their $50,000 a year in salary and have their political career damaged.

The foregoing is bad enough, but the worst is yet to come. Every Bill that the Prime Minister wants passed when it comes to the floor of the House must get a yea from all his party's backbenchers or he kicks them out of the party, as happened to Mr. Kindy from Calgary and Mr. Kilgour from Edmonton. Both these men had the courage to vote the way their constituents wanted them to, which is supposedly the reason they were elected to the House of Commons to be Members of Parliament.

11:05

The cold, hard facts are that Canada is governed from the top down by one man, the Prime Minister. No amount of conversation about representation by population, about democracy and elections by the people, et cetera, can alter the truth that Canada is governed by a dictator. This position is achieved by a flawed system with money and promises and propaganda and elections and multi parties, but the end result is that one person becomes the dictator who plays the tune and the rest all dance.

A new Constitution should require that every vote in the House of Commons be a free vote, that defeats do not bring down the government except nonconfidence votes. I would inject here that maybe that even should be changed: the government is there, but if there is a fault with the Bills being continually rejected, maybe the Prime Minister should be changed. We want that our Prime Minister can be removed from office by a majority vote of the MPs in his party, as is the case in the United Kingdom, in Great Britain.

Another change that must be made is to ensure fairness of government from sea to sea. It has been said that the only thing we learn from history is that we don't learn anything, but we should. Let us look at the U.S., and perhaps we can learn something. It was in an identical position that Canada is now facing. They were trying to frame a Constitution, and its union was teetering on the verge of breakup. The largest states were demanding representation by population and the smaller states insisting on the equality that they had in the articles of confederation. The impasse was serious and separation imminent. In a break in the oral conflict Benjamin Franklin rose and pointed out that God had given the young nation guidance in the past and suggested that they have prayer. George Washington adjourned the session and opened in the morning with a prayer. The U.S. Congress has ever since opened each session with a prayer, even though their Supreme Court disallowed prayer and Bible reading in the nation's schools. It was interesting to note that Chicago banned prayer and Bible reading in their schools in 1927, and that city led the nation in crime for many years.

The U.S. created a bicameral body, Congress and Senate, the one electing members by representation and the other electing two Senators from each state, that in reality serves as a referee. Everyone was happy with proportionality in one House and equality in the other. Shouldn't we be able to learn from this object lesson? Canada, being a union of provinces, must have a triple E Senate to be the referee. Any provinces that will not accept a neutral referee obviously have ulterior motives.

Balkanization in Canada is a self-destructive condition that need not be, that must be deleted. I wrote to Joe Clark on July 22 to impress on him how much damage this is doing to Canada economically at a time when the provinces are demanding more powers. What we really have now are 10 very separate nations called provinces. May I quote from the letter to Joe Clark?

> My purpose in writing this letter to you is to emphasize how much damage can be done to our nation by allowing more Balkanization. It seems most of the Provinces are demanding more powers which has the effect of creating 10 separate countries. There are many areas where the Federal Government should set . . . "standards" and then let the Provinces administer them.
>
> Such matters as licensing professionals whether they be teachers, nurses, doctors, lawyers, veterinarians, engineers, geologists, geophysicists, mechanics, welders, plumbers, electricians and many others. A license in any province should be a license in Canada, not just one small area of a nation.
>
> Other areas like building codes, highway regulations, education . . . should be standardized by the Federal Government and administered by the Provinces . . .
>
> Securities regulations are an expensive disaster as are the companies branches of each Province. Surely a Federally incorporated charter should entitle a company to do business anywhere in Canada. Not so – it has to registered as a foreign corporation in every Province it wishes to do business in. These obstacles that subdivide a nation are expensive, time consuming and put Canadians at a serious disadvantage in the competitive world.
>
> Can you imagine what a mess it would if every school in Calgary had its own curriculum and method of grading students but that is precisely what we have on a larger scale with each Province running its own show within one country . . .
>
> Giving Provinces more powers with no standardization of guidelines is effectively dismantling Canada into 10 or 12 separate nations even though it may still be called Canada . . .
>
> I urge you to take a hard look at what I'm trying to emphasize herein.

Because the system is flawed, the provinces are almost compelled to continuously strive for more powers; thus, the governments at all levels are frequently in an adversarial mode. It's worth noting that the native peoples, who probably have the most reasons to be frustrated, are more sophisticated, have more patience and more class than some others who make threats and won't even come to the table to talk.

The language problems in Canada have been blown far out of proportion. Language is only a means of communication, but so many politicians have made it either an excuse or the scapegoat. It is certainly the duty of the federal government to guarantee all Canadians the right to talk or teach or write or print in whatever language they choose without fear of being fined or jailed. This is one of the basic building blocks of freedom. At present either the Charter of Rights is a fraud or the Minister of Justice is derelict in her duty. Bill 178 in Quebec is a violation of the most basic right, and the federal government has not even challenged it in the Supreme Court.

Culture is a completely different animal. Nowhere in Canada has anyone tried to prevent any culture from being promoted. Tax dollars should never be expended to support culture. Let each be responsible for their own.

Our native people are the victims of a reservation system that is shameful. It's controlled by bureaucrats in Ottawa. It renders the individual hopeless. The structure is similar to the way Moscow has ruled and ruined its people in many smaller nations. Indian people are very capable, but under these circumstances it is obvious many have no hope. It should tell even the dullest of politicians that the system is wrong when 2 or 3 percent of the population supply 25 or 30 percent of the prison population. Why? Because booze and suicide seem to overwhelm people without hope. The whole system of reservations should be revised. The natives are asking government for more power, which would be an improvement, but they would still be in a socialist type of system where a chief and a council replace Ottawa in each unit. The alternative is to negotiate a whole new arrangement that will ensure the individual native freedom to use his or her abilities in the pursuit of wealth and happiness. It would mean dividing the land or replacing it with better land if necessary for a livelihood.

11:15

The Constitution must require that government protect the rights of the individual regardless of speech, colour, or age. The silent cry can be heard from the beating hearts of the unborn being destroyed daily. Their question must be: why do the government, the judiciary, and the do-gooders rush to penalize anyone who kills or injures a cat or a dog or destroys duck eggs or owls and frogs or whatever, and then turn their backs while 200,000 babies are being destroyed in Canada every year? This social tragedy could be largely eliminated if immediate support was made available to the mothers to be and legislation enacted making the father responsible to pay the support, to repay the support, failing which a jail term would be mandatory. Present law allows the fathers to continue their irresponsible conduct with impunity. Government cannot legislate morality, but it has a duty to legislate responsibility.

Economic conditions are invariably entwined with the Constitution. Unions should not be allowed to hold third parties for ransom without being made responsible for damages, to be determined by binding arbitration. If deductions up to $100 a month were made from each member and $1,000 from each union leader until the damages were paid, these disruptions would cease and the nation's economy would be much stronger.

Our Constitution is a major cause of Canada's problems. Mr. Laatsch said with such profundity that a Constitution should be "a law to government" from the people. This we do not have. Government has to be prevented from sinking Canada into more debt. An annual $30 billion to $35 billion deficit for the past dozen years is disastrous. This is a breach of trust. The office of the Prime Minister is not intended to include a blank cheque signed by the citizens of Canada. The Constitution must not allow deficit financing at any level of government without specific voter approval. The penalty: removal from office of the ministers responsible. The separation problem becomes almost irrelevant if the country goes down the drain. We must all work to rescue and unite Canada.

Thank you for your attention. I trust these comments will be given consideration.

MR. CHAIRMAN: Thank you very much not only for your presentation this morning but for your eight-page document you previously submitted, which I recall having seen in my office, particularly the 12 conclusions you had which I reviewed there earlier.

Questions or comments?

I have one that perhaps I'd pose to you, and that's this. We've heard the request from a number of people for the creation of a new body to be elected to develop the Constitution, calling it anything from a constituent assembly or what have you, and you've done that again this morning. How do you think you're going to get any better people elected to that body than the people who have been elected to the various Legislatures and Parliament?

MR. BURKINSHAW: I don't say that they would be better people. They may not even be as good, but at least they don't have a conflict of interest position. The people that would assemble that are telling the government, "This is the kind of government we want you to run over all us people," whereas if the government sits up there and makes the laws of how they're going to govern, you're going to end up with exactly what you've got now, where you've got a dictator at the top that calls the tune and everybody dances.

MR. CHAIRMAN: Well, it's a curiosity that's been growing in me as to how these statesmanlike people, excluding all currently elected people, are going to do any better job of coming up with a Constitution than is currently the process.

In any event, thank you very much for your thoughtful comments.

MR. BURKINSHAW: Certainly I don't feel that all our politicians are bad or that all our Senators are bad.

MR. CHAIRMAN: Oh, no; you've made that point very clear.

MR. BURKINSHAW: Most of them are genuine people and are trying to do a job, but under the circumstances, the way it is now, if they don't do what Brian Mulroney says: out; go to the back bench, or get out of the party. I'm deathly against the party control system, because what's the purpose of having 295 people in the Parliament if they've got to vote according with a rubber stamp every time? They can't even express their own opinions. They like something or don't like it.

MR. CHAIRMAN: Well, we're legislators, so in our Legislature Mr. Mulroney doesn't have that control.

Furthermore, there's one other little point I'd like to make, and I made it yesterday as well. It was my guess that maybe at least three-quarters, maybe more, of the pieces of legislation that go through our Assembly in debate pass with the unanimous consent of all parties in the House. There are matters, of course, which are debated and on which votes are taken on party lines, and I guess those are the ones you hear about. You never hear about the great number of pieces of legislation that pass through with everybody approving.

MR. BURKINSHAW: Oh, I'm sure that does happen, yes.

MR. CHAIRMAN: I think that's maybe unfortunate, and it's because of the reporting through the news media and so on that you just don't get the good news.

MR. BURKINSHAW: I realize that, but I would also point out that when you get the three parties to all agree to something, you've got three people that are making the decision; they tell their people how to vote or out of the party they go.

MR. CHAIRMAN: Well, I think that's a misconception, quite frankly, and I think I would argue it with you. The caucus system may not be perfect, but in our own caucus we debate at length what our policy will be, and I think the other caucuses would concur with that relative to how they develop their positions.

MRS. GAGNON: Yeah, I would just like to add to that. It came up yesterday as well, because people do feel left out, and they're not sure that their MLA or MP speaks on their behalf. But within the cabinet and the caucus system – and maybe those should be opened up to some public observation or whatever – there is always the opportunity to speak up on behalf of your constituents and to try and convince your colleagues to support your point of view. So we do speak up. Then, of course, democracy prevails and the view of the majority of the people in the room is the one that holds sway. But I think constituents should be assured that their MLAs do speak up within that system.

MR. BURKINSHAW: Oh, I'm sure there's a lot of speaking up and there's a lot of relationships go on. I'm sure that's only human rationalization, but in our present system it all comes down to: why did Alex Kindy and Kilgour get kicked out of the Conservative Party?

MRS. GAGNON: Well, I think those are two examples which are maybe atypical and will become more and more atypical because I think all of us are talking about free votes, even a government member being able to vote against a government motion, which would not necessarily mean the government would fail, all of those kinds of things. I think everybody's talking about reform, and hopefully we'll achieve that.

MR. BURKINSHAW: And the Senate has got to be the referee, because you've got little provinces and big provinces just like the States. They have New York, which is a great big state; they weren't going to stay in the union if they had the same vote as Rhode Island in the management of the whole country. So they went for the Congress, which is representation by population, but then they have the Senate over here to make sure that it's fair, that this big province can't override the little one. That's what we've got to have in Canada, a referee.

MR. CHAIRMAN: Well, you know that the Alberta Legislature has twice unanimously supported that proposal.

MR. BURKINSHAW: I'm aware of that, and I appreciate that.

MR. CHAIRMAN: All parties agree on that, so that's kind of a good sign too.
Well, thank you very much.

MR. BURKINSHAW: Okay. Thank you very much.

MR. CHAIRMAN: Mr. Waters.

MR. WATERS: Good morning.

MR. CHAIRMAN: Good morning.

MR. WATERS: I'll put the placard up there. It tells us on both sides who we are.

11:25

MR. CHAIRMAN: Right. Please proceed.

MR. WATERS: Good morning, ladies and gentlemen, and thank you for allowing me to make this presentation to you.

Canada is facing three crises simultaneously. Our fiscal crisis is evidenced by a federal debt in excess of $400 billion; there is an additional $200 billion provincial debt – Alberta's portion of that is $10 billion or so – and there is massive, continued government spending, which is forcing continued high taxes.

Our constitutional crisis is reflected by the continuing Quebec threats, and the most appropriate description of our political crisis is a quote from the Spicer commission: there is deep distrust, cynicism, anger, and frustration with our political elite.

The political crisis is the worst threat. It is one thing to have a serious problem – that's bad enough – but Canadians do not even trust their political leaders or institutions to solve the problems. That's why there has been such an outpouring of bitterness to the Spicer commission. In addition, that's why the Reform Party is experiencing such explosive federal growth.

By the introduction of the goods and services tax and the failed Meech Lake accord the Prime Minister has demonstrated just how morally bankrupt the Canadian system of representative government really is. It is no secret that Canadians want constructive and positive change. In 1979 former Prime Minister Lester Pearson said that the Canadian Prime Minister is the nearest thing to a dictator if he so desires. On only one day every four years do Canadians have the chance to exercise their democratic rights. Between elections no accountability is shown by the politicians elected to power. The electorate is virtually held hostage by their representatives. Outside of that one election day, Canadians have no effective power over their so-called public servants.

That brings me to the purpose of my presentation: direct democracy; namely, citizen initiated referenda, also known internationally as initiatives. I commenced my presentation by mentioning the three crises we face: fiscal, constitutional, and political. Initiatives can help to resolve all of these by allowing citizens themselves to invoke or repeal legislation directly.

Let's address our problems. The fiscal problems are being exacerbated by big governments and special interest groups. Politicians, bureaucrats, and pressure groups work together to promote their own interests and not those of voters and taxpayers at large. Politicians give grants to pressure groups who, in turn, promise to support that politician at the next election. Of course, the bureaucrats are delighted to facilitate the process and administer the new program or handout. As an example of that, take a special group of perhaps a thousand members receiving a $1.3 million federal grant from the government. To the group that's a lot of money, but to each Canadian it's just a nickel, 5 cents. If the government withholds these funds, these one thousand people can and do focus their enmity on our 295 elected politicians. By way of illustration, I would use the example of the National Action Committee on the Status of Women. When their funding was jeopardized, they criminally occupied the offices of the Secretary of State. After only six days the federal government capitulated to a handful of militant females and restored all their funding, rightly or wrongly. That is what leads to bigger government and continued, out-of-control spending. If, however, a majority of Canadians voted to rescind all special interest group funding in total, our example group of a thousand people could not coerce the entire Canadian population into restoring it. Initiatives are a major way to cut our fiscal crisis.

Our constitutional problem. If the majority of the Quebec population votes to leave Canada, do our politicians propose to ignore that vote or, even worse, keep them in Canada by force? Of course not. The voice of the people must be respected. In Quebec the initiative will have its way.

Finally, our political crisis. The initiative process functions as a form of external discipline on our elected representatives. It does not replace the process of governing, which is why politicians are elected in the first place, but it does help to ensure that they do represent the voters who put them into power, and if self-serving legislation happens, the representatives know that the electorate has the ability to overrule their indulgences. If we can regulate our politicians, then our confidence in them will be increased and our political crisis diminished. Remember that good representatives have nothing to fear from initiatives.

I'd like just to briefly discuss the worldwide history of initiatives. In Switzerland they have been used since the Middle Ages, and Switzerland is considered by many to have the most stable and effective government going. In Australia, a constitutional monarchy and a parliamentary democracy like Canada, no constitutional changes are allowed without citizen input through referenda. In the United States 23 out of 50 states use initiatives regularly. In Canada we have had only one national referendum, with regards to the draft in World War II, and that fizzled after a year or two. Newfoundland asked its voters if they should join Canada in 1947, and of course Quebec had its famous question in 1981. Previously in Alberta, from 1913 to 1958, we had what was called the Direct Legislation Act. Only two or three questions were asked, and those were on daylight saving time and liquor laws. Other provinces had, but discarded, referenda legislation.

Now current developments. On Thursday last the Premier of B.C. said the question of recall and citizen initiated referenda will be decided by the voters at the next election. This historic decision demonstrates a trust in the electorate long overdue. In 1990 British Columbia used a referendum to decide on education funding. In April of this year in Saskatchewan, plebiscites and government initiated referenda were introduced. In Alberta, in an April Gallup poll of this year, by an 11 to 1 majority Albertans said they would support a political party espousing initiatives. Direct democracy is becoming increasingly politically popular. The pendulum is swinging towards the use of initiatives and the true democratic process.

Alberta has had a long and courageous history of political leadership. The Reform Party is an example, and the first Canadian elected Senator, the only Canadian elected Senator. Alberta has the opportunity to follow the lead of British Columbia by asking its voters whether they support initiatives. As a basic minimum, any new constitutional changes which are designed for the people should be ratified by the people. Leading Alberta into the 21st century will require a political party with the support and trust of the people of Alberta. Direct democracy through initiatives will do that. Direct democracy, ladies and gentlemen, is a good idea, whose time has come.

Thank you very much. Are there any questions?

MR. CHAIRMAN: Thank you very much. I think there will be some questions.

Fred Bradley, Bob Hawkesworth.

MR. BRADLEY: You've obviously done a lot of work with regards to initiatives. Have you got any information or studies regarding the costs of initiatives? I understand that in some of the U.S. states, the fund-raising that goes on by lobby groups on either side of these initiatives can become extremely expensive. Also, do you have any information or have you looked at any studies that there may be regarding the number of questions that are put to initiative and voter turnout, how many people actually fill out all those initiatives and vote, and that impact on voter turnout? I know in the States there have been examples of some states having over 120 issues on a ballot, and it becomes, I think, very confusing to some of those citizens in terms of voting.

MR. WATERS: The two questions were: one, the cost; and second, the number of questions, right?

MR. BRADLEY: The costs in terms not only of carrying them out but also of the campaigns that go on on either side of these initiatives.

MR. WATERS: Yes. Well, okay. The cost of a vote is roughly 3 and a half million dollars in Alberta, I gather, speaking to the Chief Electoral Officer. That's what the last one cost. He guesstimates that it would be around 2 and three-quarters million dollars to have an initiative vote. That's expensive. Now, just by having the vote – how would I explain this? Any group that wants to promote the vote via a petition which forces a referendum vote would have to raise the funds themselves. If there is enough desire for it among the people, then the people will raise the money. If there isn't enough desire for it, then the people will say, "No, we're not interested; you can't have a vote." So it won't ever come to forcing, for example, the people of Alberta to pay for a general vote at a referendum. But any self-funding that they raise, that's their own thing. Certainly no government is going to sponsor it, no union – oh, I guess the unions might sponsor it – but if it does come to a vote, no matter how much money they've spent, the people of Alberta will say, "We support this idea," or "We don't support this idea."

11:35

Now, the second part of that question was the number of questions on a ballot. The international model for initiatives says roughly 3 percent of the electorate signing a petition, which triggers a vote. That's called a threshold number. California has gone into the business in the California style. They've gone into the business of referendum voting, and companies are making money doing it. They say: "We don't care what the question is. How many signatures do you want on the petition? For a dollar a signature or for whatever it is, we'll get it for you." As far as getting a threshold number of signatures required to force a vote, that number of 3 percent is a rough number. If it's decided, as in California's case, that too many petitions are being held on immaterial matters, then you can raise the threshold to perhaps 4 percent or 6 percent or some number. If people are saying there are causes and not enough people are signing them, maybe drop it. So it's that threshold number, which is variable, which can determine the number of questions on the vote.

MR. BRADLEY: Just as a follow-up, do you have any concern about vested interest groups putting millions of dollars into explaining their side of a case versus the other side not getting the same objectivity?

MR. WATERS: Back to the California example. Last year or in '89 the politicians had a term limitation question, and they were proposing to eliminate the two-term limit on their positions. They raised approximately $10 million through the business elite, the Hollywood elite, the media, who were all supporting them. That was their advertising campaign, saying that it's a good thing to let us have an indefinite term in office, and the people overwhelmingly defeated it, overwhelmingly being 68 percent or something. So the common sense of the people will prevail no matter how much marketing and advertising is done saying this is the right thing. People, when they go to the ballot box, will say it's right or wrong. They know in their hearts it's right or wrong, and being swayed by advertising won't do it to them.

MR. CHAIRMAN: Okay.

Bob Hawkesworth, Dennis, and Barrie.

MR. HAWKESWORTH: Thank you, Mr. Chairman. If you don't mind me asking you, Mr. Waters, Waters is a well-regarded and well-respected name in political circles in the province. Is there any connection?

MR. WATERS: Yeah; my father is the Senator.

MR. HAWKESWORTH: Would you convey our best wishes to him at this time with his illness, and a speedy recovery to him. I think that comes from all of us.

MR. WATERS: I'd be happy to. Thank you.

MR. HAWKESWORTH: The question I wanted to ask you this morning – you've indicated referendum and initiative as a way of sort of controlling our politicians, if I could quote from your brochure, as a way of achieving direct democracy. Other Albertans who've come before our committee in the last several weeks and months have made reference to the question of recall as another way of achieving the same thing. You haven't spent quite the same time talking about that as an option here this morning. I'm just wondering what the position of your association is on that question. Was there some reason why you maybe didn't focus in on the recall question as much as you did, perhaps, on the initiative?

MR. WATERS: From Albertans for Responsible Government's position the question of recall is a subjunct to the question of citizen initiated referenda to initiatives. If we have initiatives and there is enough demand for some kind of recall provision, then the people will sign a petition, get the 3 percent, force it to a vote, and if the majority of Albertans say yes, then a recall provision would be legislated. But ARG has no particular axe to grind. We're not presenting any particular proposal. All we're saying is that the people should have a right to be heard between elections through the power of initiatives.

MR. HAWKESWORTH: Do you think the fact that this has surfaced more recently is a question of basic flaws in the system, or is it just the personalities at the moment in our political history who are occupying critical leadership positions? Is it a systemic flaw or – I suppose it would be easy to say it's a combination of both. But this is something that's emerged recently. I'm just wondering if it's more a connection or a function of the kind of political leadership we're getting as opposed to something endemic or, particularly, systemic flaws in our way of government.

MR. WATERS: I don't know. How's that for a short answer?

MR. HAWKESWORTH: That's honest; I appreciate that.

MR. CHAIRMAN: Thank you very much.
Dennis and Barrie. Everybody wants to ask a question. Also, we'll make sure everybody gets in.

MR. ANDERSON: Thank you, Mr. Chairman. Mr. Waters, in response to Mr. Bradley's questions regarding the costs, I'm wondering if you could just clarify a couple of things. Do you think there should be any limit on the kind of petition or the kind of plebiscite that would be there? Are there areas like the Constitution and so on where there has to be a plebiscite and other areas where that wouldn't be practical because the groups would be unbalanced in raising that communication cost?

MR. WATERS: I think any item, I would call it – I don't want to call it a piece of legislation – any idea that is strong enough to attract 70,000 votes or 70,000 signatures, which would trigger the vote, should be allowed to be voted on. Anything that is that substantial that it garners 70,000 signatures is substantial, be it whatever. You know, I can't think of something that shouldn't be covered by the people.

MR. ANDERSON: If I can go back to Fred's concern about the costs and your answer to that, I would agree that in a question such as extending a term of office, a campaign might not be able to sway the minds and hearts of the population. But in a question such as whether we spend dollars for social services or we don't or in other areas where information is clearly required for people to make the decision, it's not just one of moral suasion. Isn't there a possibility that people could be swayed by the dollars involved and won't get the information to make the choice on the other side?

MR. WATERS: That's possible, but people – Albertans, Canadians, the electorate – rely on media reporting to give, hopefully, fair and balanced coverage of both sides of any particular event so they will be an "informed" population and be able to make the decision on their own. Now, certainly if you pick something that tugs at the heartstrings, say the health care costs, and people say that in order to get such and such we're going to have to raise taxes to pay for it – the electorate always hate any mention of higher taxes – maybe that's a good thing. Maybe the government's got to look and say, "Where else can we trim?" Or maybe whoever's proposing these higher costs has got to say: "People, look at what we've got. We've got to raise taxes if you want to have the following facilities."

MR. ANDERSON: Okay. Thank you. Just one last clarification. When you say direct democracy, you're only referring to this plebiscite? You're not talking about a new form of government or electing directly the Prime Minister, that sort of thing.

MR. WATERS: No, absolutely not. I'm just saying . . . Well, you use the word "plebiscite." A plebiscite is government initiated, saying, "What do you think of the decision we've made?" A referendum – again it's government initiated – says, "What do you think of the decision we're thinking of making?" What I'm proposing, or what Albertans for Responsible Government is proposing, is citizen initiated referenda, where any piece of legislation can be enacted or revoked by enough signatures, by a majority of the population.

MR. ANDERSON: Okay. Thank you.

MR. CHAIRMAN: Everybody wants to get in except Ms Betkowski.

MS BETKOWSKI: Don't take offence.

MR. CHAIRMAN: But we are being pressed for time, so I'd ask our colleagues to be brief and you to be brief in response as well. Thanks.
Barrie.

MR. CHIVERS: Mr. Waters, unfortunately, you're very popular; your topic's very popular.

I'm just wondering. Practically speaking, one use of a citizen initiated referendum or a referendum that could be initiated by government would be in the context of constitutional reform. Now, I can understand a referendum on, for example, fluoridated water: are you in favour of, or are you opposed to, the addition of fluoride to water? Now, that's a very simple, neat, complete subject matter. It may raise a whole host of subissues, but you could get an expression of opinion one way or the other by asking that kind of question.

When you're dealing with constitutional reform, would you envision that it would be dealt with as yes or no on an entire package, or would it be item by item, clause by clause, subclause by subclause? It's a very comprehensive subject matter covering wide-reaching differences of opinion. For example, there have been people that have presented views on fetal rights to us. There have been others who have suggested that freedom of information should be entrenched in the Charter, that environmental rights should be entrenched in the Charter. If you deal with it in a package, how do you know what it was that people were in favour of or opposed to? If you deal with it on an item-by-item basis, how do you weight the result of it in the end?

11:45

MR. WATERS: Well, I imagine something as thorny and complex as a Constitution . . . The example that we use is the Income Tax Act, which is a million words or more and growing every year. No one person can understand the whole Income Tax Act. I don't imagine any one person can understand all the implications of the Constitution. We have the Supreme Court of Canada which interprets every so often their latest understanding of what the Constitution means. So if the people of Canada, the people of Alberta, or whoever were to vote on a Constitution, the proposed changes would probably have to be broken down into some kind of groupings, essentially, saying: "Here's the first change; here's the second change; here's the third change. Do you vote yes or no on the first change, yes or no on the second, yes or no on the third?" They're complicated questions, but in essence it's a yes or no.

It's a lot easier, for example, voting on that yes or no than it is to vote during a general election, where you vote for a person who has his own opinions, the party that he is a member of which has its own opinions, and the leader who again has his or her own opinions. So when you vote X beside John Smith, you're voting a lot more complicated than just a yes or no beside any particular constitutional item.

MR. CHIVERS: All right. Let's just examine that slightly further, and I'll try to be brief. On division of powers, a constitutional subject matter, that's a heading where you can say, "Are you in favour of this itemized division of powers or are you opposed to it?" But if you simply get an opinion as to whether people are opposed to or in favour of a specific package, you still don't know what the basis of support or opposition is.

MR. WATERS: But that's why the representatives have got to listen to their constituents. The constituents will say, "Here's what I don't like about this proposal, and here's what I do like about that proposal." Then it can be offered again to the people, saying, more specifically: "If you don't like it, is it because of this, this, and this? Or if you do like it, is it because of this, this, and this? Yes or no, yes or no, yes or no?"

MR. CHIVERS: Hence ultimately even that system depends on the representative relationship between an elected official and his ability to correctly interpret what his constituents' views are. Thanks.

MRS. GAGNON: I'll also be very quick. First of all, a comment, with all due respect to any media friends who might be here. I would not count on the media to always reflect objectively all sides of any given issue or to be informing or educative of the population. I don't think we can count on that at all. It's part of it and it's very important, but I don't know that that's enough to assure that the electorate understands many, many issues.

My question, though, is about a grace period. We had the experience in Calgary of the petition and plebiscite on fluoride, and now less than one year later a very large group of people who were on the losing side want to bring it back and so on, or they don't want the city to implement it because the margin of support was so small. Would you have a grace period? Would you say, "We've decided this, and this is how it is for five years; we're not going to keep bringing this back every year"? Would that be part of your scheme?

MR. WATERS: In the draft legislation that we've come up with, and it is very naive because we're not lawyers, it just says that when the decision is voted on by the people, it will be fixed there for one or two terms of government, being three or six years.

MRS. GAGNON: So not until somebody starts another petition to bring it back.

MR. WATERS: Correct. To reverse it, for example.

MRS. GAGNON: But what if they do that immediately, start a petition or an initiative to bring the question back?

MR. WATERS: Well, again, if the people's will would like to have it that way, then why not let them have it that way? The idea is that we've got to listen to the majority of the people and not let the special interest groups run our lives and dictate which way we're going to go.

MRS. GAGNON: Okay. Second question: would you need a majority of the voters to assure that this is actually a reflection of the population? Sometimes we have 40 percent turn out; municipally we have less than that; federally, a little higher. Would you have to say that a majority of eligible voters have said such and such before it's binding on anybody?

MR. WATERS: I think the way we propose it is a simple majority of the vote rather than . . .

MRS. GAGNON: Of those who turn out?

MR. WATERS: Of those who turn out, yeah.

MRS. GAGNON: Okay. Thank you.

MR. CHAIRMAN: Those who don't turn out acquiesce in the results of any vote anyway is my view.

Next? Yes, Gary.

MR. SEVERTSON: Thank you. Mr. Waters, I'd like to turn back to the referendum on the Constitution. You mentioned that in Australia they have to have a pass in the two Houses but also the majority vote and four out of the six provinces or states.

MR. WATERS: A double majority.

MR. SEVERTSON: In Canada if we had a referendum on the Constitution, would it be a simple majority across the province or a majority of, say, seven out of 10 provinces, or how would you envision that type of a majority?

MR. WATERS: Well, again you're talking that because of the population imbalance in Canada, perhaps Ontario and Quebec could vote one way and the rest of Canada would vote totally opposite and still lose out. What I'm focusing on is provincial size, but in something like a federal jurisdiction like a Constitution . . .

MR. SEVERTSON: I'm now thinking of the Constitution which, yeah, everybody's involved in.

MR. WATERS: Then I would probably recommend some kind of a double majority.

MR. SEVERTSON: What type of a double majority?

MR. WATERS: Well, a majority of the electorate and a majority of the provinces. So you couldn't be held up by two provinces, for example, saying, "This is what we want, and it doesn't matter what you guys want because we've got 80 percent of the population." It couldn't just be a simple majority of the vote. It would have to be provinces and electorates.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Thank you. Well, we appreciate very much your presentation. It's a very intriguing proposal, and I've been reading some studies on it that have been done in the United States, in California, where it's probably used more than anywhere else. I'll share with you an article written by Dr. Larry Berg of the University of Southern California which is very interesting, and I've talked to him at some length about the issue. We're also going to be observing very carefully what takes place within the next few weeks in both Saskatchewan and British Columbia relative to this issue. I'll just tell you that in November I'll be attending a conference in Berkeley in California of the State Legislative Leaders Foundation, where the issue they will be discussing is initiatives. It's a two-day conference which is devoted entirely to that topic. So there will be some interesting advice that I'll be able to garner in that particular forum as well.

I just want to make this comment though. You made reference to the referendum in 1944, I think it was, and you said that it fizzled after a couple of years. In fact, the view is that the scars which that left are still here in our country because of the extremely divisive nature of that particular referendum. So there's a danger in that area as well.

Finally, I had experience with the question of the daylight saving time initiatives, having been a candidate in 1967 and again in '71 when the same question was put, and the answer was given differently in them. The one thing that puzzled me as we went through those campaigns was the huge advertising budget for the friends of standard time; I forget the name of the organization. I couldn't figure out where they were getting all the money, who was behind it. Well, as it turned out, some examinations determined that the funders against daylight saving time were the drive-in theatre operators of Alberta and the electric utility companies. Two special interest groups in 1967 were really able to defeat the referendum. So you've got to be careful about the special interest groups not controlling the issue, and there's a danger there too. I'm not saying I'm against the proposal at all, but it does warrant serious consideration, and we're going to give it that very serious consideration.

Thank you very much for coming, and do extend to your mother and to your father our best wishes and our concern for his health.

MR. WATERS: Thank you.

11:55

MR. CHAIRMAN: We have a gentleman who was going to come this evening, Mr. Work, but he's coming to see us now.

Thank you.

MR. WORK: Good morning, ladies and gentlemen. Thank you for letting me come to talk to you.

My main concern is two things. I think that we must proceed slowly with the reform, and I think we have to have leaders who we respect and trust to help us do the job properly. I don't think it's necessary that we have to do it this year or next year. I think it takes time to understand the various alternatives, and I do emphasize that. I think we still have time; we don't have to rush into it.

Our federal system is a good system, but some adjustments of the provincial and federal are needed. The Senate should be an elected body. All options should be reviewed. I think the decision on the Senate must be a part of the reform; it's an important item. Because Canada is so large, I think a province should have sufficient authority to deal with their peculiar situations. Having the right to opt in and opt out should be allowed; I have no problem with that.

Provinces are not equal. Each has different needs and priorities, which is natural and reasonable. "Different" doesn't mean unfair or inequitable.

I look at three cultures in Canada. We have the English, French, and the aboriginal. I see French being centred in Quebec, and I consider it as a distinct society with its French culture and the official language being French with bilingual services for English as they need it. Quebec is different from the other provinces, which is acceptable to me. I think it's unique to have an entirely French province. The English culture is spread over the rest of Canada, where the official language is English, and I see here bilingual services being provided for the French. Let the provinces deal with that item; let them decide how much of these services they need. Bilingualism across Canada is not required. I don't think we need it, and it's too costly. Let it be employed on a local basis as is necessary.

With regards to the aboriginal issue, I'm in agreement that we must recognize their land claims and get that issue settled. I would also support the Indian reserves having authority to govern themselves, perhaps similar to a municipality, with the idea that they have to blend in with the federal and provincial laws.

I've thought about the women's issue to see what we might need to address on that. I think we have enough laws that say women are equal and are to have equal access to all opportunities. I think what is needed is that the community has to accept and allow the women to participate in these opportunities. The other important item is that we need leadership from the government to encourage the community to acknowledge and accept the women. You've got enough laws, but now we need some direction, and we have to look to the politicians for that.

I think more recognition should be given to the housewife, who is a key person in the family to guide and develop future

Canadians. We see the problems that are growing in our teenagers, and it'll get worse. Courts and governments won't cure the problem. I think it has to be done in the home where it can be done more economically and effectively. I think it's the responsibility – and we somehow have to emphasize this – and duty of the family, not the government, to guide and develop the children.

I would also like to see Members of Parliament and of the provincial Legislature serve for a definite term; say, four years. I like the American style. I think that's good. I would also like to see that elections be called, say, every four years at a specific date rather than the way they're being handled now. I don't think the present system where a government can call an election in 30 days is fair to the people or to the politicians.

Canada is a constitutional monarchy, and the Queen serves as the head of state by way of the Governor General and the Lieutenant Governor. I don't think this is appropriate today, and I would favour we discontinue that. I think it's an expensive burden to the country and really doesn't serve a useful purpose.

With regards to multiculturalism, that topic comes up quite often. We do have, as I mentioned, three main cultures in Canada, but we also have many other people here with different ethnic backgrounds, which we are fortunate to have. I'd say let them flourish through their own efforts and be a part of the Canadian society, but I would support that the government stay out of any development of these multicultures and, as I say, let them develop themselves. Otherwise, I think what you might get is separate ethnic groups developing in the country and the governments fostering them rather than a blend of the cultures in with the rest of the Canadians.

I was looking at a timetable for reforms. As I mentioned, I think we shouldn't rush into it; we should take our time and develop it. Our present system is adequate for the time being, and thus it's not a matter of life or death that we adopt reforms. If it takes two or three years, that'll be fine; we'll manage fine. I would like to see that reforms not be concluded until after the next federal election, and I would like to see the reforms become a part of that election. That group of people then will be our representatives to develop the reforms rather than constituted assemblies or anything else. Let us have that election: it's based on a reform situation, we put in our leaders now, and we say, "All right; we're going to work with them."

I think I have reservations and a lack of confidence in some of the leaders that we have now, particularly in the federal government and some of the Premiers that were involved in Meech Lake. I think their performance was not adequate, and so I say, well, they should not be involved again unless we have confirmed them by an election. I'm sure you've heard from many people that we do lack confidence in some of the politicians. Things like patronage and items like that may sound small, but they are an indication to me that things aren't being exercised with proper judgment, and that seems to erode your confidence. So that's something I'd like to stress and would like to see happen so that we as people have a little more confidence in our politicians.

Then I think that not only are the politicians to blame on some of these things but also that the public, as myself, has to share in some of this blame and problems that are going on. It's not just one-sided. I think we're quick to say, "Well, it's your fault and not mine," but we have a part to play in that too. I think we can have all the written Constitutions we want, but it won't work unless Canadians and the people contribute. I've been involved in business where you have an agreement and you have all the writing you want, but sometimes you don't even look at it because you've got people that will co-operate, and I think this is what we're lacking right now. We have to look to Canadians. They're going to have to work a lot harder to keep Canada alive and to compete with other countries.

Very briefly, I think social assistance programs such as medicare are becoming excessive, and we have to start thinking about cutting back on them because we just can't afford them.

In closing, my last remark is that I guess in all of this I am again looking to get some leaders now to help us go through this constitutional reform.

12:05

MR. CHAIRMAN: Thank you very much.
Fred Bradley.

MR. BRADLEY: I just have a quick question. You said in your statements that provinces are not equal and they have some differences and you were in favour of an elected Senate. I just wanted to ask a question in the context of Senate reform. Are you in favour of an equal number of Senators from each province? Do you think provinces should have equal constitutional authority?

MR. WORK: Yes. I think that.

MR. BRADLEY: I'm trying to get at your comment that provinces are not equal.

MR. WORK: Yeah, I think provinces are not equal in some of the things they need in their everyday lives.

MR. BRADLEY: Circumstances?

MR. WORK: Circumstances. We might have more emphasis on certain things in Alberta as compared to, say, Ontario and Quebec. We may place more emphasis on a certain aspect of our education which another province may not think that important. So let us do it.

MR. BRADLEY: That's sort of your opt in, opt out. Do you believe the provinces have equal opportunity in the exercising of these powers?

MR. WORK: Yes.

MR. BRADLEY: Do you believe in an equal number of Senators in a reformed Senate?

MR. WORK: Yes, I think we have to do that. I think that would be a good system, to have an equal representation in that regard.

MR. BRADLEY: Okay. Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thanks, Mr. Chairman, and thank you, Mr. Work, for joining us this morning with your thoughts. I've heard a number of people make presentations similar to your own in favour of fixed-term elections and to pattern our political institutions more closely with that of our American cousins. I'm just wondering whether you feel the time has come. Our economies are now becoming more and more integrated into one economy. I'm wondering if you feel that perhaps there aren't any really significant reasons left why our political institutions should be separate. Have you given any thought to us perhaps becoming states, joining the Americans?

MR. WORK: No. I wouldn't like to see that.

MR. HAWKESWORTH: Just to try and help me define what makes us different or what makes this project of Canada unique or worth while, if you don't feel that we should do that, what are your reasons for saying that we should maintain separate political institutions?

MR. WORK: You know, I think what we have has just been a part of our life. It's a system that we think is good. There are some differences in the way we do things – not too much, but there is a difference in the way we do things. We have a little different heritage, and I'd like to keep that. I really don't see that it would serve any purpose to become part of the United States. I just feel that it wouldn't be a good thing.

MR. HAWKESWORTH: Okay. Good. Thank you.

MR. CHAIRMAN: Barrie.

MR. CHIVERS: Mr. Chairman, the area I was going to cover has been covered.
Thank you, Mr. Work.

MR. CHAIRMAN: Thank you, Mr. Work. One of the comments you made related to the role of the monarchy in modern society. We've had differing opinions on this. Many people feel that that is a very real distinction between Canada and the United States, and to remove the monarchy would just bring us closer to becoming part of the United States. What would you replace the monarch with as a head of state? There's not a country in the world that doesn't have a head of state, be it an elected President, as in the United States, or a monarch, somebody that carries out that function.

MR. WORK: Well, take, for example, Alberta. You don't really notice the Lieutenant Governor. You could very easily do without the Lieutenant Governor.

MR. CHAIRMAN: Would the power, then, of the Lieutenant Governor shift to the Premier?

MR. WORK: Things that have to be approved by the Lieutenant Governor are done by the cabinet or the Premier, and the same with the Governor General. It doesn't really serve much of a purpose. It's a figurehead, but it doesn't really serve any purpose.

MR. CHAIRMAN: Well, in constitutional law and in a constitutional monarchy it certainly does. In law the monarch, the Senate, and the House of Commons are in fact equal partners in determining the passage of legislation. In any event, I just wondered what type of figurehead, whether you wanted to have an elected President or a . . .

MR. WORK: I think you can get along without it.

MR. CHAIRMAN: Well, that's an interesting theory.

In any event, thank you very much for your thoughtful presentation, and I think you're really concerned about continuing to be a Canadian.

MR. WORK: Sure. I'd like that.

MR. CHAIRMAN: Thank you very much.
Well, gentlemen and lady, I think we are ready to adjourn for lunch.

[The committee adjourned at 12:11 p.m.]

1:18 p.m. **Thursday, September 12, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Could we be seated, please. I understand our presenter has a meeting at 1:45.

If she could come forward and make a presentation.

MRS. STEPHENSON: Hon. ministers, commission members, thank you for this opportunity. I speak for myself, but my views are shared by many.

Let me first state that I am a patriot. I love Canada with a passion. In its borders I can live and work with dignity and have hope for the future. We have freedom and opportunity.

To answer the biggest question: yes, this country is worth saving, and we have to work towards it. How we approach this problem is very important, for in the past it has been mishandled. Mr. Pearson's vision of two Canadas was wrong. It created a wall in our country that would rival the Great Wall of China. You cannot have two countries in one nation. We are Canadians and Canadians only. We cannot be French Canadians, English Canadians, German Canadians, or any other ethnic Canadians. If these are the cultures we desire, then perhaps we should return to the nations that have them. It is a choice we make. It is time for our country to have its own identity, its own culture; to be Canadians, true Canadians.

On the question of Quebec separation, the only answer I see is a simple one: no province has the right to give away any part of our country, neither does Quebec have the right to take any part of our country. If they wish to have a separate nation, a separate Quebec, then that is fine, but they will have to go elsewhere to do it. Quebec is on Canadian soil; it should remain on Canadian soil. It is time they realized that they are Canadians with the same rights and responsibilities as the rest of us. If this is not what they want, then they may leave the country. This is Canada, and the answer is no. We are one nation coast to coast and will remain one nation coast to coast. It's time for our leaders to make this clear.

Although this approach sounds simplistic, it has a history. One hundred and thirty years ago a similar nation, whose age at the time was just over a hundred years like our own, faced the same problem: sectional division caused by differences in economies, ideals, and ways of life. There were also disputes over federal and regional rights and powers. Added to this was political blundering and disorder in the government. There emerged from this a leader who had a strong sense of nation. He referred to his country as a nation divided: 11 states wished to secede. He stood up and said no, and that he would use the nation's full power to hold federal possessions. What ensued was a bloody, bitter war, but the nation prevailed. Today that nation, the United States, exists from coast to coast with a strong national pride we can only admire.

Now, I do not advocate that we declare war and rerun the Plains of Abraham, but there are other ways to say no that are just as effective. Let me first state, though, the reason for holding our nation together. In a world where strength is admired, we appear weak; we cannot handle our own problems. This is not an image that we should be projecting. If we allow separation, we destroy both countries. Our status as a powerful nation will be lost. Our economies will be ruined. Investment in either nation will cease because of instability. Either nation would be a prime candidate for takeover by a more powerful nation. It is an important time for our leaders to take a stand. It is their responsibility to keep the country together, and it is the people's responsibility to see that it happens.

Further to this I have several suggestions on a course of action. One, stop bargaining. Two, start an aggressive propaganda campaign in Quebec to advise its citizens of exactly what they lose if separation occurs: (a) with every family allowance, welfare, and UIC cheque there should be a blunt notice saying that this benefit will cease to exist; (b) every person receiving health care coverage should also be given a notice detailing the government's contribution and that they will now become responsible for this share; (c) every student, elementary through university, should be told that the federal government will no longer be supporting their education; (d) every civil servant should be given notice that their job will cease to exist or that they will be replaced by Canadians; (e) the monetary and postal systems will no longer be available to them. All industries should be informed of what share of the market they will retain. For example, the dairy industry now holds 42 percent; in the future they will be competing for 2 percent. Work and funding on all federal projects in Quebec would stop. Notice will be given that they will have to form their own defence system, as we will retain the Canadian armed forces. We should also remind them of just how effective the provincial police were at Oka. Also, in the past 50 years Quebec has demonstrated a preference for having others defend their country; not once have they voted in favour of deploying our troops for a worthy cause. Now their defence will be their problem. This should also add to the realization of how vulnerable they are. One wonders how they would respond if we massed troops at the border. The councils of every native band in Quebec should be told that all deals and land claims are null and void and that they will be dealing with the Quebec government in the future. They should also be informed that their benefits will stop, as they no longer live on Canadian soil.

The citizens of Quebec should be told how much of the debt they are responsible for, that we expect payment the day independence is declared, and to bankrupt their new nation would not bother our conscience. It is the price of their freedom. Steps should be taken to assure the loyalty of our federal elected officials from Quebec.

The last point: it should also be made clear that we intend to retain possession of all federal facilities and land. Items like the St. Lawrence seaway were built for Canadians by Canadians and will remain in our possession.

These measures should make the Quebec public aware of exactly what is going to happen if they leave and perhaps the total scope of the benefits they are now receiving. It is hoped that the instability and chaos it will create will force them to start thinking with their heads instead of their hearts and place enough pressure on their elected officials to do something before it is too late. Culture does not stand for much if you cannot feed your children, and demographics show that a large part of Quebec citizens are rural poor. Economics will prove to be the best resource we have in our fight for our nation. If this plan could be followed, we will provide the people of Quebec with some very good and concrete reasons to stay. Now we can start to negotiate but from a far better position.

Three, a new order, a new system has to be found for regional representation, one that embodies fairness and equality. Our elected officials are compromised. It is their sworn duty to represent the people of a constituency, riding, or province to the very best of their ability. How can this be accomplished without their being biased? It may be better to have another segment of society create the blueprint. I would like to suggest perhaps that we solicit the aid of 50 of Canada's top professionals, give them all information and access to equipment that they need, and perhaps they could come up with a system that has logic, fairness, and equality. Then give it to the accountants and the lawyers and the politicians to have the finer details worked out.

Education. Second-language instruction in our schools has to be rethought. To give a child a second language is a gift. It is brain expanding and teaches a child to think in a different way; it is a definite advantage. But we cannot confuse bilingualism and biculturalism. As our schools exist now in Alberta, we have French immersion and English schools both offering a smattering of each other's language arts. This builds barriers; it forces parents to choose them or us. We really should be handling it like the Europeans do. Every school in our system should teach a second language as a subject starting in grade 1. There should not be separate schools.

We also have to return to teaching patriotism in our schools. It has to be taught with bias and passion. There can be no doubt in our children's minds that Canada is the best place to grow up. As it is now, we have lost our passion for our nation because it violates someone's rights. Our children do not have the right to salute the flag. Well, we have a right to nationhood, and it has been violated.

1:28

More emphasis has to be placed on teaching Canadian politics, past and present. Although it is now taught as a subject in high school, more could be done by the private sector to interest our children in this exciting subject. Perhaps our political parties could help.

Canada Day should be really celebrated and promoted: simple things like radio stations should play Canadian songs, lots of flag waving, et cetera. Although some regard this form of patriotism as frivolous, it is not. It is the starting point of a positive attitude towards one's country. It is important for every Canadian to know the words to *O Canada* and to sing them proudly.

Our people also have to come to terms with the costs they are extracting from our country as the me generation. We cannot afford our people. The good social programs we have in place are not serving their original purpose. Many were designed as a temporary measure to help the needy until they could help themselves, but abuse is rampant. Pride is no longer a factor. Accepting government handouts has become an acceptable way of life. This has to change if we expect to survive as a country. We have to develop pride in ourselves, in our work, to encourage pride in our country.

All government funding for cultural support groups should also cease. This is a divisive factor, and it is splitting our nation into little groups. If these groups wish to form a club, they are free to do so, but they should foot the bill. Our funds should be put towards developing and promoting Canadian culture.

The last question I wish to deal with is the loss of French culture in Quebec. Yes, it is happening, for they are in Canada not France, and it will continue to happen whether they stay or go. Separating will not save it. In fact, it will likely speed its demise. No longer will it be supported either emotionally or economically by anyone else. What we see now is the death throes of a culture. That is why they are fighting so hard. The evidence we have shows that Quebec cannot economically exist within its own borders. It cannot afford to give its people the handicap of not having the most widely spoken language on the continent, nor can it stop the intrusion of the North American way of life. It is all around them, and they will need to be part of it to survive. So in the end, what would they gain by leaving?

We should also be aware of what has happened in the past. Once before we created a distinct society with disastrous results. Our native Canadians, whose culture was different from ours and we did not understand, were held separate from other Canadians. Instead of benefiting from each other's cultures, we now have mistrust and prejudice. Unfortunately, to many people what is different or distinct is wrong and to be feared. We are all distinct individuals, but we are equal as citizens in this nation. Why create barriers?

In conclusion, I would like to point out that many of us are losing our cultural heritage in Canada, but we are gaining so much more. We are Canadians with our own vision of this nation, the rights and freedom and opportunity to make it happen.

Thank you.

MR. CHAIRMAN: Thank you, Brenda. You are shown as giving two presentations, one on your own behalf and one on behalf of the Calgary-Shaw Progressive Conservative Association.

MRS. STEPHENSON: That's right.

MR. CHAIRMAN: Do you wish to do that second one, and then we'll entertain questions?

MRS. STEPHENSON: Okay.

My next presentation is on behalf of the Calgary-Shaw PC Association and is a summary of the comments made and forwarded to Keith Spicer and the citizens' forum. No attempt was made to rationalize the comments made by the group or to reach a group consensus; thus, some of the comments are contradictory. They do, however, represent the mixed emotions of the group over various issues facing Canada's future.

Our group followed the discussion points that the citizens' forum suggested, so our presentation will be made in the form of questions and answers, the first being: what are the major issues facing Canada now and in the future? One, separation of power between various levels of government; two, aboriginal issues; three, social service provisions, especially health care; four, regionalism, the treatment of different regions; five, nationalism: why aren't Canadians more nationalistic and patriotic; six, the official language policy.

The next question asked was about aboriginal peoples' lands and government. Only one comment: it is time to re-evaluate our position with our aboriginal people.

The third question: what did the group say about a new partnership between Quebec and the rest of Canada? Two comments. One, we should not talk about a partnership between Quebec and the rest of Canada but a partnership between all provinces; there is no reason to separate Quebec out and treat them any differently from any other province. Two, any means implemented to French Canadians to enable them to maintain their culture should also be enacted for English Canadians.

On the question of regionalism and shared interest among regions, the group had only one comment: all regions should be treated equally under the Constitution. While short-term government initiatives need to be tailored to the needs of specific regions, no differences should exist in the Constitution.

We had two comments on official languages. One, the teaching of two languages in schools is viewed as very positive. Two, it is thought that the cost of official bilingualism as implemented is too high; why provide bilingual government services in Alberta to a unilingual province?

A consensus was reached on the question of ethnic and cultural diversity. Our group felt that we must move to more of a melting pot than a mosaic. We have to be Canadians. This is one reason that Canadians are not particularly nationalist or patriotic.

The last question in the paper dealt with Canada in the world, and it was felt by our forum that it was not the right forum to evaluate Canada's relationship with the rest of the world. This should be an introspective view of Canada.

Thank you for your time.

MR. CHAIRMAN: Thank you very much.

Any questions or comments? Yes, Nancy.

MS BETKOWSKI: Thank you very much, Brenda, for your presentation.

I wanted to just clarify something. On your education section you talk about the whole issue of French immersion and keeping the programs intact in the single school. I just want to make sure that when you said that there should not be separate schools, you were referring to the issue of immersion as opposed to the right of the minority to create a separate school district, which is entrenched in the Constitution.

MRS. STEPHENSON: No. Mine was the former, the first.

MS BETKOWSKI: Yeah. Okay. Thanks.

MRS. STEPHENSON: I have children in the immersion system.

MS BETKOWSKI: Okay.

MR. CHAIRMAN: Any other questions or comments? Dennis.

MR. ANDERSON: Brenda, I thought you did a very good job of articulating your position. I was intrigued by your thoughts on Quebec and how we should deal with them. It's a very strong position indeed.

The other item, though, that I wanted to clarify was that in terms of trying to resolve the constitutional issue you mentioned the getting together of 50 professionals. By that did you mean constitutional experts? Is that what you meant by 50 professionals?

MRS. STEPHENSON: No, not constitutional experts; perhaps engineers, perhaps lawyers, people that actually live in Canada. Then it can go to the constitutional experts.

MR. ANDERSON: You don't feel that by defining it as experts, there might not be concerns on the part of the various other groups who might not be defined as professional in terms of their input?

MRS. STEPHENSON: Yes, there could be a problem there.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Okay. Well, thank you very much.

Any other questions or comments?

Thank you. I know you have to go and do a civic duty by serving on a jury.

MS BETKOWSKI: You didn't comment on the judiciary.

MR. CHAIRMAN: No. Perhaps we'll hear; after your jury duty you'll give us a comment on that. Thank you very much.

MRS. STEPHENSON: Thank you very much.

MR. CHAIRMAN: Suzanne Sawyer.

MRS. SAWYER: I made a copy of this, which I'll leave with you.

Hello, everybody. Some of you know me; some of you don't. Now everybody will know me.

1:38

MR. CHAIRMAN: Welcome.

MRS. SAWYER: Hi. I'd like to first of all thank you for inviting me to make this formal presentation. The last time I was here was at the last minute in a pair of jeans and with my two kids on the way to bowling, so I kind of made a few comments off the top of my head, which I've expanded upon here.

As some of you may know, I was recently elected to the board of directors for the Calgary Multicultural Centre, and I'm actively involved as a volunteer with a number of Francophone related activities, boards, and committees. But today I offer only my personal point of view and suggestions. I'm very grateful for this unique opportunity, and nervous . . .

MR. CHAIRMAN: Don't be nervous. We won't bite you.

MRS. SAWYER: I won't bite you either.

. . . and eager to share my thoughts with you, the first of which includes thanks to our government leaders for creating the Constitutional Reform Task Force of Alberta and for openly encouraging Albertans such as me to actively participate in these discussions. I think this is an excellent eye-opening opportunity for all involved but most particularly for those of little faith in the system and a great penchant for criticism and name-calling of our elected politicians at the drop of a hat.

I am of the opinion that freedom of speech is an abused right and that we should beware of what we allow our unconscious minds to be fed with as a result. Before automatically complaining, serious thought should be given to why one is complaining and just what one would do to improve the situation. Chronic complainers may be surprised to discover that they're merely echoing someone else's opinion because it has been fed to them often enough in various shapes, sizes, and colours, so to speak. Just as happiness and serenity can't help but touch those you pass them on to, ill tempers and bad attitudes rub off too. The media plays a major role in this, and I feel they should be held accountable for their spoken and written broadcasts. Politically friendly or peace oriented reporters are few and far between, yet they are responsible for educating the public. They literally have the power to control the masses by feeding them their own personal opinions. To the unsuspecting public I say beware.

Freedom of speech is a powerful thing, a wonderful thing, but I really question our sense of values when Albertans claim their right to burn crosses, display racial slurs, and parade around town with rude bumper stickers imposing their mental junk food messages on everyone. The "Tax this, Brian" bumper sticker is a prime example of this low-level brain message, the "this" being the upward pointed middle finger of a fist held up in the air. I resent that kind of garbage being freely fed to unsuspecting customers such as me, and I'm sure many of you have been. I particularly resent my eight- and 10-year-old children being subjected to such negative messages every time I happen to get stuck behind a car flaunting one of these stickers.

Children being children, they initially were deliciously shocked the first time we saw the "Tax this" sticker and then keenly amused as we repeatedly saw it. I have explained the brain food value of messages such as these, and now they try to ignore them. But stuck behind one of these cars at a red light, it's not easily done; they still read them, and the screaming messages still get across. I was horrified last year to hear my then seven-year-old son, visibly agitated, angrily blurt out, "I hate Brian Mulroney and I hate the GST." How could he hate someone he had never met? How could he hate something that he did not clearly know the meaning of? He was relying on the information television and bumper stickers fed his subconscious mind, and the message was clear to him that the GST obviously was a fate worse than death and Brian Mulroney, the man responsible for bringing it in, must be a horrible man. How sad I was to hear such ugly words in my own home. I had a very long talk with my son on the dangerous and destructive powers of blind hatred and reminded him of just how lucky we are to live in such a great country as Canada in the safety and comfort of our beautiful province of Alberta.

Today my eight year old is aware of the burdens our Prime Minister has on his shoulders and appreciates the responsibilities he's faced with. He does not even remember the incident I just told you about. But I do, and I will never forget it, because that totally unexpected outburst of twisted emotion reminded me that the education of our children is to be safeguarded and protected at all costs. Their bright little minds are like sponges, and we must saturate them with pure, crystal clear water, never vinegar or sewage. It has been said time and time again that what we expose our children to should be carefully monitored, but I say to you today that what we as adults unconsciously expose ourselves to is of equal if not greater importance, as we are the people our children look to for guidance and advice.

I'm always amazed at the intensity of some of the negative comments I hear and some of the poor attitudes I sense from time to time when people talk about politicians. You're looking at a new kid on the block here on the political scene, and I'm the first to admit that I have a lot to learn. But I will say this: how can anyone who has never sat on a committee, who has never taken on the responsibility of a community leadership role, who has never been to a community related or politically affiliated meeting, who has not experienced the incredible satisfaction derived from volunteer teamwork or agonized through sometimes long and stressful meetings, who has never taken on any such responsibility dare to point an accusing finger or pass judgment on those such as you who dare to act and dare to care and, yes, in their mere human state make mistakes?

I believe a system of social obligations and responsibilities should be created. You get out what you put into society. I believe personal involvement within the community should be encouraged at a very early age and should be mandatory for social assistance and unemployment insurance recipients. No doubt there would really be a lot of complaining then. But I'll guarantee you that blind criticism, apathy, and ignorance would soon be dissipated and replaced with respect, empathy, and understanding. I would also suggest that you'd be helping a good number of people climb out of the emotional rut they necessarily get dragged down and trapped into as a result of their personal life-styles. I can only foresee good, positive results flowing from such a decision. I believe more definite motivational programs should be integrated within the Alberta school system and the sensitization and educational process which starts as early as ECS level should be strongly reinforced in co-operation with the home. Keep our children challenged and motivated and drop-out rates are bound to diminish.

I believe – I believe a lot of things, don't I? – a great sense of national pride must be instilled in all Canadians starting with our children. Our schools should not only proudly wave both Canadian and Alberta flags, but our national anthem should be sung regularly, at the very least on a weekly basis. Every child should have the names of Calixa Lavallée, Sir Adolphe-Basile Routhier, and Mr. Justice Robert Stanley Weir on the tips of their tongues and know their stories. The history and meaning of the words to our national anthem should be studied and understood, not just memorized, by every student within the education system. This should be done as part of the curriculum, not just as a special project at certain times. Promoting high self-esteem as Canadians and developing an inbred sense of Canadian pride and nationalism and a sense of belonging should be a top priority in our education system.

I believe there should be an overall national standard of education controlled by the federal government and enhanced by each province in accordance with their individual guidelines. Canadian parents should be able to transfer from one end of Canada to the other secure in the knowledge that their children will receive the same quality of education no matter where they reside.

I believe wholeheartedly in bilingualism. To give you a very brief personal background at this point, I was born in la belle province – Hull to be exact – but raised in Ottawa from the age of two. Though I was born in Quebec, I do not consider myself to be a Quebecois, as I was not raised there. I have visited relatives in Montreal only occasionally over the past 20 years. I am of French and Scottish descent. My heart skips equally to the sound of the spoons or the bagpipes.

1:48

I am proud to say that French is my mother tongue and I did not know a word of English until, when I was eight years old, my family moved to an all-English neighbourhood where I was naturally immersed. It didn't hurt a bit. I was educated at an all-French convent and received no formal English education until I was in grade 9. I am fortunate enough to be fluent in both our country's official languages and am a strong supporter of bilingualism. I cannot imagine Canada stripped of its bilingual qualities. I shudder at the thought of living in a unilingual Canada. After hundreds of years of going two steps forward and one step back, surely now of all times we cannot take any steps back. The suggested review of the policy of official bilingualism points to the uncertainty of the government's convictions with regard to its present policy on the subject. Let us go forward, encourage teaching of more than two languages, and stop dancing around in circles to the sound of the bilingual bingo bop we now gyrate to.

I still have dreams of a truly bilingual Canada. The other day a lady I met for the first time said to me, "Why French schools in Alberta; why not Ukrainian? I said, "Why not both?" And I meant it. Somewhere during our conversation she said, "Actually, I think all children from kindergarten on up should have to be in a French or French immersion program; then, eventually, you really would have a bilingual country." I confess I smiled from ear to ear. That would be shoving French down people's throats. Consider this though. In just over a decade

Canadian bilingualism would be a reality, and in no time we would find a generation of open-minded, happy to be bilingual people, thanking their parents for having made the right decision for them. French or bilingual education should be available at every school in Alberta. Parents should not have to be faced with a major decision between the temptation of a conveniently located English school right across the street and a French education that you have to go out of your way to get. It should be easily accessible to everyone in our province.

An analogy. On a world scale, Canada is just a child yet should behave like an adult. An adult will send his or her child to school whether the child wants to go or not, will see the child through hours of piano, ballet, or gymnastic lessons and practice regardless of the cost, and that adult will also smile glowingly when the grown-up child waves that university diploma, becomes an accomplished pianist, an elegant ballerina, or a supple gymnast. The aches and pains of the learning process will soon be forgotten, and the child will be forever grateful for the wisdom of the parent who cared. Let us be those parents who care, and let us make this country truly bilingual. Every future adult will thank us for it. Do you think I'm exaggerating? Let me ask you this: is there anyone in this room who can honestly say that if he or she could just push a button and become immediately bilingual, he or she would not do so?

Absence makes the heart grow fonder. Bilingualism was never an issue for me one way or another as I grew up. In 1973 I married a unilingual English-speaking Canadian and found myself living overseas for five adventurous years in such exciting countries as Australia, South Africa, Europe, and the United States of America. I tell you all this because it was while I was away from home, away from Canada, that I realized for the first time how proud I was to be Canadian. It was at that time that I found myself seeking out other Canadians and pinned and stitched our Canadian flag everywhere I could to proudly announce I was a Canadian. It was also at that time, after a couple from France joined our group, that I was amazed to discover how dearly I missed speaking French, how very good it felt to speak my mother tongue with them, and how lucky I was to be a bilingual Canadian.

I believe reduced-rate travel within Canada for Canadians should be federally and provincially funded somehow. I looked in the paper this morning: 2,200 jobs cut. Where are those people going to go? To what purpose? What does that serve? Those people should be working, and people should be out there traveling and meeting people and feeling what this country is all about. Few people have the golden opportunity I've had to travel, and I can tell you from experience that no amount of textbook learning can match any travel experience. Quebeckers I had the opportunity of meeting here this summer through my involvement with the Calgary-Quebec Exchange Committee for the twinning of our two cities were a real pleasure to meet. As ambassadors of their city, they represented a population of people eager to maintain open channels of communication and promote harmony and understanding. The importance of these exchanges is invaluable, as they will have returned to Quebec with words of warmth, friendship, and goodwill. I believe that exchanges, liaison, and direct contact with people on an interprovincial basis are extremely important and should be facilitated by both the federal and the provincial governments. How can we judge people from other provinces when we've never been there, have never met them, do not know their history firsthand? How can anyone judge the unknown?

My virtually total dedication to the protection and promotion and sensitization of the French language came about when my children became of school age. At that time we lived in a small town in northern Saskatchewan where French education had never been considered let alone available. This was to be my first experience in trailblazing. It was then that I discovered the all-important role of the Secretary of State and the official minority languages Act. It was quite an education in just what is involved in obtaining French education in English Canada. Thanks to Mary McCann, a lady who became a very dear friend of mine, and the help of CPF and federal government representatives who worked hand in hand with us, Mary and I succeeded in having the French immersion program offered in the small northern Saskatchewan town of La Ronge. The program is now up to the grade 6 level. We also became school board trustees.

After all that work, due to circumstances beyond my control, my husband and I decided to move back to Alberta, where we had previously lived very happily. I love living here. Never say never. I swore I would never again get involved with French things. The work, the incredible amount of hours involved, and the mental stress – never again. I did manage to take a two-year break. But like a moth to a flame, I came back. I'm proud to say that I'm an Albertan, having lived here on and off since 1978. Those of you who know me will also know that I'm equally proud to say that I am a French- and English-speaking Albertan dedicated to the advancement and enhancement of the French factor in Alberta and, more specifically, in Calgary. In light of this fact, I formed Calgary French Connexion Inc., a company specializing in community development projects, public relations, and liaison between the Anglophone and Francophone communities of Calgary and surrounding areas as well as between Canadian municipalities and provinces.

I am a firm believer in the value of public relations and efforts in liaison. I'm a firm supporter of Mayor Al Duerr in all his liaison and business missions be they on a national or an international scale. He has repeatedly gone out of his way, and should be highly praised for doing so, to welcome prospective Calgarians and correctly assure them that Calgary offers Francophone and bilingual education as well as a variety of Francophone services and a wealth of Francophone community activities. Coming from such places as Ottawa where bilingual services and Francophone education are as commonplace as the sun rising in the morning and where you hear French spoken just as frequently as you do English, these matters are important when deciding whether to move to reputedly English western Canada.

I firmly supported Premier Don Getty in his overseas business mission and just shook my head when the media reacted as predictably as they did. We must broaden our horizons, Alberta. Our leaders must establish open channels of communication, build those multifaceted and multilingual bridges, and open those doors. How can this possibly be done without personal contact? I'd also like to take this opportunity to thank Premier Getty for Family Day. Once again the media seemed to go out of its way to rain on this beautiful project. Well, I thank the Premier for that day, which I look forward to and always enjoy with my children.

The Francophone community in Alberta in a new Canada. Fact: Francophones have been living in Alberta since 1705. We have strong, old roots here and consider Alberta home. We are from Quebec, l'Acadie, Europe, Haiti, Africa, and Asia. To suggest that Francophones go back to Quebec if they don't like it out here is tantamount to suggesting that disgruntled Anglophones go back to England or Ireland or wherever.

1:58

Fact: there are 56,246 Albertans whose mother tongue is French and a further 14,145 whose mother tongue is bilingual, for a total of 70,390.

Fact: over 13,000 Francophones as well as 42,000 bilingual people live right here in Calgary.

Fact: Alberta's Francophone population constitutes the third largest group of Francophones living outside the province of Quebec, the other two groups being Acadians from New Brunswick and Franco-Ontarians.

Fact: the French-Canadian Association of Alberta was founded in 1926 for the promotion and protection of the French language in Alberta through education. Over 100 Francophone groups and organizations, 28 of which are right here in Calgary, presently exist in Alberta. There is one weekly community newspaper for the whole province, one Francophone television and radio station which broadcasts out of Edmonton. The first Francophone school in Alberta was allowed to open its doors only seven years ago. This September the seventh Francophone school in the whole province of Alberta opened its doors to students in Edmonton. In Alberta 147,840 people speak French, representing 6.2 percent of our population. In Alberta 48 percent of Francophones are younger than 35, and the majority of young Francophones living in the west live in Alberta.

Fact: together we can get a lot further ahead. Alberta's minority Francophone community needs the government of Alberta's unequivocal support. For every hundred dollars spent on federal government services, only 33 cents or 0.3 percent of the budget is allotted to bilingualism. More than 80 percent of Canadians – 83 percent in Quebec, 80 percent elsewhere; pretty close – are proud of the country's French-English accomplishments. This is from the *Globe and Mail*/CBC polls, April 1991. Twenty-five countries have French as their official language, and 33 countries have English as theirs; 44 countries are members of le Sommet des pays francophones, and 49 are members of the Commonwealth.

Albertans working together. Don't forget the Francophones, please. We are not a visible minority, we are, nonetheless, a minority and we need your help.

Please do not be negatively influenced by the Quebec situation, and please do not be concerned about the plight of the Anglophones in Quebec. There are 700,000 Anglophones in Quebec. Fact: there are 306 unilingual English and 66 bilingual schools in Quebec, seven English and two bilingual colleges, three English universities. In Quebec there are 24 weekly Anglophone written publications plus 30 weekly bilingual ones – we have one French one here – and one daily newspaper, the *Gazette*. Eleven radio stations and two television stations keep Anglophone Quebeckers informed and entertained in their mother tongue.

Back to Alberta. I believe that our provincial government must support its invisible Francophone minority as well as its visible minority. Ask and ye shall receive. Well, I am daring to care, and I am daring to ask. I am asking for the government's assurance of its guaranteed support of Alberta's minority Francophone population in their continued quest for the conservation, preservation, and indeed survival of their mother tongue now and no matter what the future holds for us, for Alberta, for Canada, for Alberta in a new Canada.

I am by no means a constitutional expert, but I do know what is important to me and to the Francophone population in Alberta, although as I said in my opening remarks, I do not speak officially on their behalf. I feel that it is through the sharing of concerns and experiences that the experts will then be better equipped to successfully bring any changes deemed necessary to our present Constitution while providing Albertans with the opportunity of having a say in the matter. The future of our country lies with two simple words with complex meanings: education and attitude.

In closing, I would emphasize again the importance of a healthy cycle of education starting with what we as adults allow our minds to ingest, necessarily influencing our actions, which, in turn, will necessarily influence our children who will influence theirs and their children's children. Imagine if the first person who uttered the words, "I don't want French shoved down my throat," had said instead: "We get to learn French? Fantastic. When can we start?"

Thank you for your time.

MR. CHAIRMAN: Thank you very much, Suzanne. That's an excellent presentation and deeply felt and very well articulated.

MRS. SAWYER: Thank you.

MR. CHAIRMAN: I couldn't help but being reminded when you used two words, "ignorance" and "apathy," of the reporter who asked a person on the street, "What do you think of the problems of ignorance and apathy?" The reply was, "I don't know and I don't care."

Your comments at the last I think are really the answer to the thing. It is education and attitude, and I think you summed it up extremely well.

MRS. SAWYER: Thank you.

MR. CHAIRMAN: Fred Bradley, and then Yolande.

MR. BRADLEY: I'd like to thank you for a very excellent presentation and a lot of very useful information. My question was – and I know that you know the answer to the question – in terms of your view that the national anthem should be sung in school. You're aware that there are three versions of the national anthem. There's the English version, there's the French version, and there's a bilingual version. The words in the English version and the French version are different; they're not the same words. Which version should we be singing in school? I guess that's my question.

MRS. SAWYER: Well, what I would like to see – in the Anglophone education system obviously they're going to be learning the Anglophone, but I still think they should learn the fact that first of all the song was written in French, who translated it, when, the process that was involved, that there was a special commission formed by the government that added their comments to Justice Sir Robert Weir. The history behind it: study the words and get the word-for-word translation. It might be interesting in what it says in French as opposed to what it says in English.

MR. BRADLEY: The words of the national anthem in the different languages have different meanings, and it's one of the interesting features of our Canadian state.

MRS. SAWYER: In the French or bilingual, of course, they would study both. What I would like to see the English do is, obviously, study the English, have the French translated word for word and study that as well.

MR. BRADLEY: Just a further question. Should we be working towards a national anthem that means the same thing in both languages?

MRS. SAWYER: Interesting.

MR. BRADLEY: It may be one of those factors that can unite us. The national anthem should be a unifying force, but in Canada it means different things. So the national anthem is not a unifying institution of the country in my judgment.

MRS. SAWYER: It's interesting if you look at the French version, actually, the last two sentences repeat, "Protégera nos foyers et nos droits": "it will protect our homes and our rights." So were they concerned about the Francophone survival way back in 1880 when it was first sung? I mean, it could be a whole interesting thing to study right there.

MR. BRADLEY: Do you think we should be striving for a national anthem that means the same thing in English and French?

MRS. SAWYER: Well, if you could possibly translate the French. I mean, to me I can't imagine stopping singing what I learned when I was five years old.

MR. BRADLEY: I guess the question is: you were talking about unifying institutions. We should sing the national anthem in our schools. If there's going to be a unifying institution across the country, it should mean the same thing when you sing it whether it be English, French, or bilingual.

MRS. SAWYER: Well, I agree with you to a certain extent, but on the other hand, what is already there, I think the idea is to study it and to understand it, to feel it.

MR. CHAIRMAN: Well, I think we've canvassed the subject as well as we can, with respect.
Yolande.

2:08

MRS. GAGNON: Thank you. The last time Fred brought this up, I sat down and translated the French version into English, realized that it was much more religious in content, spoke about the cross and the faith and so on, whereas the English version is more patriotic and based on a state, not so much a faith.

Anyway, I really appreciate your presentation and the facts that you've presented. I think so many people are operating on the basis of misunderstanding, myth, generalization. We've heard comments over and over this week and the previous week that indicate there is a lot of misunderstanding and misinformation out there. For instance, the fact that only 33 cents out of every hundred dollars spent by the federal government goes to bilingualism: people think it's $50, at least half, or something. We've heard such things as English should be the official language in Quebec; we've heard that the French culture is dying: on and on. So I really do appreciate those facts, and I wish you would find a way with your company to make that known.

Tomorrow we're going to have a visit from Jacques Parizeau, and of course he will indicate his strong conviction that separation is the only way and it will be good for all of us. I would like to ask you two questions. If you were able to discuss the matter with him, what would you say to him? Secondly, not dealing with Parizeau anymore but dealing with your type of approach, which is liaison, understanding, travel, and so on, will that be enough? Will liaison be enough to actually keep this country together? Do you think we've gone beyond that?

MRS. SAWYER: Well, to answer your first question with M. Parizeau, actually I tried to get a meeting with him, because how can you judge someone you haven't met? I know Premier Getty and I know many of you, and that's fine, but I don't know anybody in Quebec. I was told that he's not meeting anyone this time, but I was invited to come to the press conference, which I will do, and I will certainly be here to listen to him tomorrow. What would I say to him?

MRS. GAGNON: If you were asking him a question, what kinds of things would you ask?

MRS. SAWYER: You don't have time for all that. This is it. I can't answer that because I'm just going by what the papers are feeding us and the 30-second clips out of the three-hour presentations that he makes. You know, out of the 50 wonderful things that were said, the media has a way of somehow picking the one thing that's going to get people's backs up.

What would I ask him? I'd ask him why in the world he wants to break up this country – I don't think I'd ask him that; everybody has. I don't know.

Do I think liaison is enough? Well, liaison is the springboard, the basics, and from that you create sound relationships and concrete results. It starts with liaison.

MRS. GAGNON: The other thing we've had suggested is a more punitive approach, the approach that if you don't play the game with us the way we say, then you're gone. That's not your approach. Your approach is to continue the . . .

MRS. SAWYER: Absolutely not. Absolutely not. Confrontations never get you anywhere but in trouble.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you.
Yes, Barrie.

MR. CHIVERS: Yes. Suzanne, I'm just wondering, in terms of recognition of Quebec as a distinct society or some sort of special status, what are your views? If it's necessary to do that to achieve a constitutional accord, would you be in favour of recognizing Quebec's special status?

MRS. SAWYER: Well, to a certain extent I believe that all provinces should have the same powers. I don't know enough of the details to really answer that correctly, but from what I'm again reading in the papers, from where things seem to be going – and I can hardly wait to see just what this is going to be – what they're saying is that they will acknowledge Quebec as a distinct society, but they're not saying just what that means. I think they should be acknowledged . . . You know, it's a poor choice of words. When all this started, I think it was quite innocently said. I think it's been picked apart and twisted and turned and blown up. They're distinctive, distinct. I don't know. We don't want to be extinct, eh?

MR. CHAIRMAN: Thank you very much, Suzanne, for an excellent presentation. We appreciate you coming forward. I gather we'll see you in the audience tomorrow when M. Parizeau comes visiting.
Thank you.

MRS. SAWYER: Oh, yes. Thank you.

MR. CHAIRMAN: George Kalin.

MR. KALIN: Good afternoon.

MR. CHAIRMAN: Good afternoon.

MR. KALIN: My voice is probably about as good as you will hear it. It has never been any better, so if you don't get a word or two, I will gladly repeat.

I believe that this so-called constitutional crisis is not a crisis at all, not to the people here or to the people in Quebec. Myself, I don't feel a crisis. I talked to my neighbour; he doesn't have a crisis. But I think it would be a real crisis to the federal politicians from Quebec if that province were to separate because they would certainly find themselves without a job and out of power. Since they include a lot of ministers and the Prime Minister of Canada and since Quebec has practically ruled this country for decades, separation is very, very, very unlikely in my opinion.

The two main factors that cause regions to separate are also in the rest of Canada. The number one factor, I believe, is massive dissatisfaction with the central government and, number two, possibly economic gain by separation. For instance, the regions that are separating in Eastern Europe are practically on the doorstep of the European community, which is already the most powerful economy in the world. Next year, with one currency and no travel restrictions, they will be the envy of all nations. A separated Quebec, however, has no such opportunity. They really don't have anywhere to go. They will always be there between Canada, if they separate, and next to the United States. I don't believe the United States would make exceptions to their culture and language.

Quebec is not a net contributor to Canada. They have been on the take for many years. They have received billions of dollars just for the hydro projects and also received more than their fair share in government contracts. The people in Manitoba can probably tell you a little more about that. The fact is that they do not have any bargaining power, and they do not have a right to special treatment. I believe that's all political brainwashing. They hold thousands of highly paid federal jobs, from the Prime Minister down. They are ministers and ambassadors and commissioners, in Crown corporations from Air Canada and the post office and the armed forces, et cetera, et cetera: one can find them in all federal departments and sometimes only because they speak French.

Quebec has four justices in the Supreme Court of Canada while some provinces have none, and since Quebec is not a signatory to the Canadian Constitution, their justices don't even have any jurisdiction there.

2:18

I had the opportunity to appear before the Supreme Court of Canada, and I called a spade a spade, and they did not like what I had to say, but I believe that we the people should elect the judges for the Supreme Court. Now, I have not gone into that in what form it may be, as through the Legislatures. It does not necessarily have to be at the individual level, but I believe that the judges should be elected, one from every province, and we must abolish all lifetime appointments because they are illegal under Canadian law. Any appointment, patronage or otherwise, discriminates against better-qualified applicants, and lifetime appointments also deny future governments their right to govern and to appoint their own. Therefore, I believe appointment cannot exceed the timely mandate of the politician who does the appointing. Otherwise, the next government is forced to carry on with a large section of the defeated government still in power, like the Governor General and nine Supreme Court justices and a whole bunch of appointed Senators, who we know can stop the democratic process. At this time, about the tax here we must also remember that there was close to a 50-50 deal in the Senate. The next government, however, may be the Reform Party and the NDP, and that would make it even harder to get anything through the Senate.

Open competition for such jobs would also create higher productivity and less bureaucracy. To give you one example, the Supreme Court of Canada used to have leave to appeal hearings. These were full appeal hearings in which both sides made the complete presentation, and then after the judges heard the appeal, they could then refuse to hear the appeal. Well, I could not believe that such nonsense could exist in our highest court, and I had a lot to say about it. To make a long story short, when I was finished with them on that issue, there were no more leave to appeal hearings in our Supreme Court. The sad part is that while we the taxpayers are paying millions of dollars every year to high-priced appointments in such legal institutions as the Canadian Judicial Council, et cetera, it was an Alberta cowboy with no legal training at all who changed that ridiculous Supreme Court rule, and it didn't cost the taxpayer one penny.

So much for Canadian justice, which, by the way, is the title of my book. Some of you may have already read it; it was sent out to some of you. The sad part is that because it is a documentary about crimes and coverups in Canada's highest places, our provincial government has banned it and has pressured our newspapers into refusing to advertise it. So much for freedom of expression and freedom of the press.

According to the Spicer commission report I am not the only one who does not trust our politicians, so when we see Mr. Mulroney, who is no doubt the Prime Minister of the most corrupt government in Canadian history, coming full circle with the very same Meech Lake accord again, we feel insulted. How can anyone trust a Prime Minister who stuffed the Senate of Canada and destroyed its legal function just so he could force a tax upon our people that the vast majority opposed? How can we trust a government who violates democratic process whenever they find it convenient?

The Constitution we have is only nine years old and the speeches we heard about how good it is are still ringing in our ears. It was said to be the best in the world, and if it was properly enforced, it could be just that. It recognizes the supremacy of God and the rule of law in a free and democratic society. It makes every person in every province equal, and it does allow English signs in Quebec. We should not trade it in for a Mulroney version. As far as the banning of English signs in Quebec goes, that is, in my opinion, without a doubt the best example of how blatantly our politicians insult our intelligence. Here we had Premier Bourassa, who refused to sign the Canadian Constitution for Quebec, actually using it against us.

There is, however, a real crisis in our country, and that is in the administration of justice or the lack of it, where the rights and freedoms of the people are being denied, in particular the right to trial by jury in all cases against the Crown, which is guaranteed in the right to a fair trial by an independent and impartial tribunal, but one can't get it. The Charter of Rights also guarantees a fair trial, and the Charter of Rights is the supreme law of Canada, and therefore such should not be denied.

As some of you obviously know, I was 14 times maliciously prosecuted right here in our Calgary courts, and in one instance

I was tried, convicted, and punished three times for the very same offence, which I did not commit, and was then charged over $2,000 for the costs of court. How would you like that happening to you? When I tried to sue for compensation, the Court of Queen's Bench here and then subsequently the Court of Appeal ruled, and I quote: lawyers and prosecutors have the right to commit perjury. I think it's a very ridiculous ruling, but because of that I have no case. The same courts also ruled that the word of the police officer must be taken over that of the accused. The actual wording was: if there was conflicting evidence or if there was no evidence, the word of the police officer must be taken over that of the accused. That makes justice totally impossible, and it confirms that justice in this province has completely collapsed. Every member of our Legislature was informed about it and, I believe, six or seven times, but not a single one of you stood up for justice. Not a single one of you requested a public inquiry, which I had asked for repeatedly, over and over again.

Well, that's about all I have to say except if you have any questions.

MR. CHAIRMAN: Well, thank you very much, Mr. Kalin. If you have a written copy of your document you'd like to leave with us, fine, but if not, we have it transcribed.

MR. KALIN: All right. I can leave you this copy here.

MR. CHAIRMAN: Well, thank you very much for your presentation today.

MR. KALIN: There are no questions, I guess.

MR. CHAIRMAN: Brad Willcox.

2:28

MR. WILLCOX: I have a guide here to what I'm going to say, just to highlight a few of the issues that I'd like to present.

MR. CHAIRMAN: Go right ahead, Brad.

MR. WILLCOX: Thanks. First of all, I'd like to thank the committee for the opportunity to come here and express my opinions. I think it's useful to have an open forum like this for discussion. Secondly, I'd like to let the committee know that I'm no constitutional expert, but I have been an Alberta resident for over 20 years, owned and operated a small business in Alberta, and I'm presently a student in neuroscience at the University of Calgary. So I have been around Alberta for some time, and as such I would like to express my opinions. I have no axe to grind. I have no political affiliation, but I do believe that the country is at a critical moment in its history and that we must address certain issues and quickly. One of the biggest problems that the country faces is a lack of vision by the political leaders of the country; I don't think I have to elaborate on that. In reference to specific issues that I'd like to address – I attended the hearings a couple of times earlier. I believe it was around the end of May or early June, when the hearings first commenced. I noticed a lot of people giving speeches but nobody really tackling the main issues. That's one of the reasons that I'm here, to just talk about and give my opinion on specific issues.

One is the amending formula. We had, I believe, the Edwards-Beaudoin committee addressing that. I think they proposed the Victoria formula all over again, which has been unacceptable to Alberta for some time and, I believe, is still unacceptable, because it gives a couple of parts of the country vetoes over constitutional change and doesn't address the possibility of change. I'm more in favour of something like 7, 50, what we have already for certain parts of the Constitution, or even something maybe a little more stable. If you're going to make constitutional change, you should maybe have at least 60 percent of the population because constitutional change at any point can be quite a destabilizing factor, and if you have 51 percent for and 49 percent against, I'm not sure that you really have a mandate to make constitutional change.

In terms of accommodating Quebec's legitimate aspirations within our society, I don't see Quebec legitimately having the right to have a veto over constitutional change for the entire country. I think legitimately they suffer from a cultural insecurity and that a lot of the problems with the nationalists, et cetera, stem from that cultural insecurity. Some effort must be made to accommodate them, perhaps in the form of a partial veto over specific issues affecting language and culture. I think that has to be obviously very carefully addressed and spelled out. If you grant Quebec a partial veto over specific issues, they should be clearly spelled out; for example, you set up a formula such that the right to educate newcomers to the province in French and solely in French, et cetera, will be protected, this other part of particular Quebec legislation will be protected, et cetera, et cetera.

Distinct society has really opened up a can of worms, so to speak. I think a big error in judgment has been made by Mulroney in attempting to place a clause for distinct society in the body of the Constitution, for obvious reasons, because we don't know what that implies. Once you start calling one part of the country a distinct society – if anybody has a legitimate claim to being a distinct society, the natives do. Newfoundland is a distinct society. The Acadians are a distinct society. At the same time, I think it's important to acknowledge, perhaps in the preamble of the Constitution, that Quebec is a distinct society, and there are other distinct societies, et cetera, et cetera, something akin to the Canada clause that was proposed earlier by Manitoba with a bit of elaboration.

As far as the division of powers goes, the Allaire report, demanding exclusive control over 22 shared or federal jurisdictions, is completely unacceptable. I don't think anybody really takes the report seriously in the sense that they view it as the final position of Quebec. I think it's quite obvious to everybody that it's a negotiating position, and certainly they would settle for less.

As far as the five minimum conditions that were presented by Quebec, you hear a lot of talk about the five minimum conditions. For me, I kind of liken them to those circles that you see in farmers' fields: you hear a lot about them, but nobody knows what they really are or where they come from. One of them was immigration, and obviously that's been taken care of already. There's been an agreement signed between Ottawa and Quebec City on that. I think another one was entrenchment of three judges on the Supreme Court, which I don't have a problem with. They have the Civil Code, and three justices out of nine would seem fair to interpret things properly. A distinct society I think was one of them. Again, like I say, in the preamble of the Constitution. Opting out: I have a real problem with opting out of federally cost-shared programs. I don't know how that got into the Meech Lake accord, because that was something that was gone over and over again in the '82 negotiations with Trudeau. I think it was quite clear back then that the reason Lévesque was so sold on and demanding this condition for opting out was that it would allow Quebec sovereignty through the back door, setting up their own parallel programs in everything from unemployment insurance to what have you. We have to be very careful with any language in terms of opting out. I think there should be some movement, some accommodation, for differences, but we have to be very careful with that one.

Division of powers: in general there's room for negotiation. I don't think there should be any fire sale of powers, a wholesale giveaway to the provinces. Otherwise, what's the point of having a country? There's a big misconception with various people on this matter; the point of provincial equality and equal powers has been confused. Everybody should be equal under the Constitution in this country, but that doesn't mean provinces can't have slightly different powers. Maybe Quebec could have a little more power over unemployment insurance, maybe make more shared jurisdictions, et cetera. That doesn't mean Prince Edward Island would want to hire 100,000 civil servants to administer a program to 120,000 people.

2:35

Other areas of power such as culture, education, communications, environment: I think there has to be a strong federal presence in all of those. If we're to have a Canadian culture, there has to be the means to promote that culture. As far as giving culture to the provinces, I think that's completely unacceptable.

Education. I don't think there is enough federal input into education. I think it should be a shared jurisdiction at least or a federal jurisdiction. There should be more of an ability of the Canadian government to foster commonality between the peoples of this country. If people are learning the same history of the country rather than different histories, they're more likely to identify with each other.

The environment. Well, it's quite obvious that there already is a strong federal presence, and I think there should be a stronger one. The bottom line is that if we're to have a country, we have to share common values and goals, and there has to be enough power at the national levels to achieve these common goals. I already addressed that with the federal presence in education and some type of national curriculum you can more easily forge a common identity. You can more easily institute means by which people can exchange views; for example, a national educational exchange program. With a stronger federal presence in the environment, you might get a green plan that actually works: countrywide standards for energy efficiency in buildings, automobiles, et cetera.

I think something that's been distinctly lacking is a national industrial strategy. We have to decide where we can be competitive and pool our talents and resources in that direction much the same as a country like France or Sweden has done. I think some type of nebulous free trade with the U.S. at the same time we have these tremendous trade barriers between provinces is ridiculous. We have had over the last 120 and some years this tremendous north-south pull, and when you maintain the barriers east-west yet open the border to the south, it only seems obvious to me that you're destabilizing the country in that sense.

Energy. I hate to use the words "national energy program" in this room for obvious reasons, and I don't want to advocate another cash grab in the Marc Lalonde style, but I think there should be a strong Canadian presence in energy and in the oil and gas industry. I think long-term goals of working toward energy self-sufficiency in the development of nonpolluting, renewable resources – wind power, solar power, et cetera – should be in the works.

As far as health care goes, again if the federal government doesn't maintain control over the purse strings . . . The way it's going with the EPF and other federal legislation such that the provinces are paying more and more of the share, how can you maintain national standards in a health care program if you don't control at least some of the purse strings? An obvious example is accessibility as one of the tenets of the health care program and extra billing. If the federal government didn't control the purse strings, they wouldn't have been able to withhold money to provinces that were extra billing, which arguably would have decreased accessibility to poorer people in the country.

Another issue that I think should be addressed is that of our native peoples. Some form of self-government at either a municipal or a provincial level, equivalent to that level, where all natives have the ability . . . I'm not sure what it is now – if a specific treaty in a specific area guarantees specific rights – but I think they should have the means to collect their own taxes, have their own schools, and have more control over their resources such that they won't be dependent. Cash handouts from the government foster dependence, and dependence fosters what we see now, despondency in the community. At the same time I think there has to be some accountability to basic human rights and the laws of the Constitution, so maybe interpreting native rights in view of – I hate to use the words – a distinct society might be a useful approach.

The Senate. I know there seems to be a fascination with a triple E Senate, and I think it's offered as a panacea for a lot of the problems in the outlying regions. I agree with an elected Senate and an effective Senate, but I'm not sure we have to have total equality in the Senate such as two members from every province or what have you. I think there's room for compromise on numbers, but I am definitely in agreement with an elected Senate. As far as the powers go, that's a difficult question. I don't think you can have a Senate that overrides the House of Commons; otherwise, why have a House of Commons? You've got to have some higher legislative body, and that has to be the House of Commons, representation by population. Maybe a six-month suspensive veto over legislation such that hastily conceived legislation can be delayed or initial rejection – something similar to the powers the Senate has now.

Bilingualism. There was an interesting presentation two presentations ago. I came in in the middle of it. I thought some really useful comments came out of that presentation. My contention is that the whole bilingualism issue has been blown way out of proportion. Personally, I don't have a problem with bilingualism. I think it should continue much the same as it is. There are small modifications that perhaps could be made, such as it does seem a little ridiculous that you cannot sell a product in western Canada unless it's got both English and French on it. I don't have a problem with seeing French on products. But my father is a small businessman in the food brokerage business. He was attempting to import an item that's not available and that I think would have sold quite well here, a portable breathalyser kit, and he couldn't import it into the country because it had to have bilingual labels. So I think there's a bit of room for manoeuvring there and perhaps in other areas. But at a very minimum, with French as the first language of such a large number of our population, you have to have bilingualism in any federal system. Anything under federal jurisdiction should be bilingual.

Multiculturalism. I think multiculturalism was basically established as a vote getter. I don't see it really helping the country. The most useful aspect of multiculturalism is teaching tolerance and helping integrate immigrants into our society, but I don't agree with financially supporting groups on the basis of their ethnicity. So I think the ministry should be abolished and perhaps immigration could help integrate immigrants into society, et cetera.

As a closing comment, I don't know what to do about it, but I think the media is a big part of the problems we see. You read the French-language press; they want to sell newspapers, so they'll print something inflammatory that happened in English Canada. You watch the French-language television channels; the image you see over and over again ad nauseam is the trampling of the Quebec flag and it inflames people's passions. I think the same thing happens in our press. The *Herald* and the *Sun* want to sell newspapers. They have a heading to a column that has very little to do with the substance of the article itself. So I think the media is part of the problem, and like I said, I don't know what to do about it.

In the end, as a closing comment, I think there can be an accommodation worked out, and we should make every effort to do so. I think the French presence in the country and the native presence and all of our different ethnic groups really enrich this country. We should try to support that.

Thank you.

2:48

MR. CHAIRMAN: Thank you very much, Brad, for your interesting presentation. We've noted your last comment about the role of the news media and the one from one of our preceding participants today as well. You've given a pretty comprehensive overview, and I appreciate it.

Oh, just one question that occurred to me. You said that we should have a national industrial strategy. Were you were talking about that as a matter of policy rather than putting it in the Constitution?

MR. WILLCOX: Right. Yeah. A lot of issues I addressed were of philosophy more than actually entrenching something in the Constitution. But I think what you entrench in the Constitution in terms of the distribution of powers dictates how much control you have over something like a national strategy.

MR. CHAIRMAN: Yes, Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I know you've given substantial thought in your comments here to some of the content of what a new Constitution might look like or some of the things you'd like to see Canada be or become or retain. Have you given much thought to the process of getting from here to there, especially given all the recent experience and the emotions it's generated amongst Canadians and deadlines now for Quebec to either receive some proposal from Canada or have a referendum next fall? Have you given some thought to how we should conduct ourselves and what we should be doing between now and then and beyond?

MR. WILLCOX: I think there's some useful process to be gained from something like a constituent assembly to address those problems. But at the same time you have to be very careful as to who is on that assembly and how they get on the assembly. I don't think someone that isn't elected really has the mandate to negotiate something for the whole country.

I'm not completely sold on the idea of a constituent assembly, because you can have a constituent assembly debating problems such as they had in Australia for years and never get anything done. If you had something like that, say a constituent assembly of elected members, if those elected members happened to be politicians, I think they would have to resign from their political office so they'd be more impartial, one would hope, on the assembly. Perhaps you could have a constituent assembly either for the whole country or one for Quebec and one for the rest of the country; then they get together after coming up with their positions and all of whatever they settle, if anything, could go before the public in terms of a referendum.

I see a process like that as being useful. Of course, obviously Bourassa is against that idea, so it would be very hard to get something like that off the ground in Quebec. There seems to be a groundswell of support for it in the rest of the country.

MR. CHAIRMAN: Thank you very much.

MR. HAWKESWORTH: Thank you.

MR. WILLCOX: You're welcome.

MR. CHAIRMAN: Dianne Klein. Hi and welcome.

MRS. KLEIN: Hi. Thank you for the opportunity to speak to you today. I'm here on behalf of Kids First, a national organization with over 5,000 members across Canada. We are a single-issue organization, so I won't be speaking about separation and Quebec or a number of other issues you've heard about.

Our issue is child care. We formed in Calgary in 1986 when a group of parents reacted to the then Liberal government's proposal for a universal day care program. The projected cost was $11.3 billion. Kids First, which receives no government funding, felt that government support for such a program would threaten the choice to raise children at home. Protecting this choice, the choice to raise children at home, is the main focus of our organization. We believe that in most instances parents are the best people to decide what form of child care suits their particular circumstances, and we don't want the family's choice in this matter influenced by unbalanced tax considerations. Social programs that support only one choice seem to us to be archaic.

In addition, we feel there is an equality issue here in the Charter of Rights and Freedoms. Government policies in general are becoming antifamily. In the mid-1950s the average Canadian income for a family of four with an at-home spouse was $10,000, and the deduction for a dependent spouse was approximately $3,200. In other words, one-third of the family's income was tax deductible, and the deduction recognized the valuable work of the care giver at home. Today the figure is less than one-twelfth. In Alberta the average family income has increased by 33 percent over the past 10 years while provincial tax has increased by over 110 percent.

In 1961 the Canadian family spent an average of $2,671 on food, shelter, and clothing while paying an average tax bill of $1,675; that is, 63 percent of the basic necessity bill was your tax bill. But in 1990 the expenditure for food, shelter, and clothing averaged $17,495 while tax payments averaged $24,568. In other words, today our tax bill is 140 percent of the cost of basic necessities as opposed to 63 percent. It is indeed becoming more and more difficult for a family to survive on one income. This certainly has had ramifications in terms of the numbers of women in the paid labour force and the so-called traditional family.

We often hear that we need more day care, and the rationale for this statement is that over 60 percent of mothers with young children work. In fact, according to the labour force survey of May 1989, 41 percent of mothers with children under three are not in the paid labour force at all, 17 percent work part-time – that is, from one to 30 hours a week, often juggling work hours and schedules to allow a parent to be at home with the children – and another 6 percent are unemployed. Only 36 percent of mothers with children under three work full-time, and some of these women are doing contract work at home, running day homes out of their homes, or doing shift work in order to better fulfill their parental responsibilities.

A second justification for the trend toward more and better day care is the perception that women want and need to work outside the home for their entire adult lifetimes. A recent U.S. survey revealed that 88 percent of mothers with children under 18 say that if they could afford it, they would prefer to be at home with their children. Only 12 percent actually wanted to work outside the home. According to a Stats Canada survey on income distribution, of all women working in two-parent families with children under six, approximately 40 percent have husbands earning $25,000 or less. For two-parent families with children under six and wives not in the paid labour force, exactly the same percentage, approximately 40 percent of them, have husbands earning $25,000 or less.

2:58

Another interesting fact along the same lines and from the same source says that the average salary of the husband in a two-parent family, again with children under six and a working spouse, is approximately $31,500. When the wife doesn't work outside the home, the average salary of the husband is $31,000. It's almost exactly the same whether she's working or she isn't. So in some situations they're deciding it's possible to have a parent at home, and in others they're not. Clearly, in two-parent families with young children, wives are not always working outside the home because they financially need to.

If whether to work or not is then a life-style choice, rewarding one choice in child care over another must have its rationale elsewhere. Perhaps, as Michael Wilson once told us, Canada needs its women in the work force. But Canada also needs its children. We need our children to grow into responsible and caring adults, for that is the future of our country. So we must ask what children need and how those needs can best be met.

By selectively funding just one option in child care – i.e., day care – government is making that choice more attractive. If that funding further increases the tax burden on families, then that policy makes it more difficult for a family to choose one of the other options, one that may in fact be better for their family. In fact, we argue in an impending challenge to the Income Tax Act that such policy effectively discriminates against parents choosing to raise their children at home and also against their children. More on that in a moment.

If children really are better off in the day care setting, then we would have no complaint. We had better be sure before putting all our eggs in the day care basket, however, that that is really where we want them. For one thing, the cost of providing high-quality care in an institutional setting is prohibitively high. Children need consistent and responsive care giving. To meet these needs, the ratio of children to care giver must be low and salaries must be high enough to entice care givers to stay at the job. One estimate of cost for implementing full government subsidies for day care went as high as $44.8 billion in 1984 dollars.

In Sweden, which has arguably one of the best day care systems in the world, the cost is $14,000 per child per year, and, at that, the average seven-year-old has had 257 different care givers. Secondly, there is increasing evidence that full-time day care, particularly for infants, even in high-quality centres may be undesirable. A longitudinal investigation of kindergarten and first graders reared since they were three months old in an extremely high-quality day care at the University of North Carolina revealed that these children were more likely to hit, kick, and push than children in the control group. They were more likely to threaten, swear, and argue and less likely to walk away from trouble or talk their way out of it.

In 1988 Deborah Vandell and Mary Ann Corasaniti at the University of Texas looked at grade 3 children with a history of full-time day care, more than 30 hours a week. Children who were in full-time care, regardless of the age of entry, were found by grade 3 to perform more poorly intellectually, emotionally, and socially than children not in full-time care. They had poorer study skills, lower grades, and diminished self-esteem. My point in giving you some of the research here is to substantiate my claim that we need to protect other options in child care. If we didn't have this kind of data and in fact the data were showing that day care was the best place to raise children, then I wouldn't have any business being here. But it's quite the contrary.

In the face of evidence such as this we still hear that the current trend toward impersonal hired care represents reality, that it's going to continue whether we like it or not, and that we had just better make the best of it. We at Kids First don't think so. For one thing, it's not the way we are accustomed to handling other social problems. We don't look at the problem of the homeless people or the elderly or drugs in our schools and say: "Well, look; this is a fact of life. Let's just be realistic about it." Capitulation is not the way we traditionally handle things.

Kids First is now pursuing an equality issue under section 15 of the Charter of Rights and Freedoms. We intend to challenge section 63 of the Income Tax Act, which permits taxpayers with appropriate receipts to deduct child care expenses of up to $4,000 per child under the age of seven and $2,000 for other eligible children. Now, this is for people who have paid money out to other types of child care and have receipts for their expenditures. This provision is not available for people who raise their children at home even though there are expenses to raising children wherever you're raising them, including at home.

Two sources of discrimination appear in the legislation as it now stands: one, child care payments by one spouse to another, specifically the father or the mother, do not qualify as child care expenses; and secondly, the child care expense deduction must be taken by the spouse with the lower income. These subsections are discriminatory in two ways: first, there is a discrimination against married persons, as unmarried or common law persons are not subject to these limitations; secondly, there is a blatant discrimination against poorer people, the very ones who need the credit the most.

The requirement to have the deduction claimed by the spouse with the lower income means that persons who have low-paying jobs or part-time work or attend university or simply wish to remain at home with children obtain little or no benefit at all from the claim. Ironically, the maximum benefit can be obtained where both spouses are employed and earning income at the top bracket. The end result of the discrimination in section 63 is not merely discrimination against married couples, and in particular single-income or lower income married couples, but discrimination against the children of these couples.

Kids First has developed a test case to pursue the issue. Two families who feel strongly that single-income families are at a decided disadvantage in today's tax system have volunteered to challenge Revenue Canada using personal tax returns. Both families are members of Kids First, one here in Calgary and one in Kitchener, Ontario. In actual fact, the response to our request for volunteer test families was overwhelming, but due to financial considerations we have stayed with two. In each test family one parent is working full-time as a salaried employee while the other parent is providing full-time care for their children at home. In each case the parent working outside the home has contracted with the other parent for that spouse to provide child care services in the home. At the end of the 1989 and 1990 taxation years the spouse working outside the home with the higher income claimed the child care expense deduction of up to $4,000 per child under the age of seven and $2,000 for the older children. The savings in the two families varied from $700 in one case to over $2,500 in the other.

The purpose of the test case is to highlight the inequities that exist in our current tax system. Kids First believes that tax breaks should not be given to dual-income families at the expense of single-income families who are in most need of them. Kids First has developed a child care proposal of our own which suggests the use of income-dependent child tax credits as a more equitable system to providing tax breaks for dependent children.

We are fighting the tide of social, political, and economic pressures which have the effect of separating the child from his or her parents. We know that children need consistent, reliable, and responsive care in their early years in order to mature into caring adults with a capacity for trust, empathy, and affection. In most instances the family is best suited to provide this care. We must protect the right of parents to raise their own children. If we're not conscious of the needs of children in the policies our government puts in place, we make ourselves vulnerable to consequences we may not want.

What we would like from constitutional reform is some sort of protection of this right to raise our children, that we will not be discriminated against because we are married and have children and choose to raise them at home.

Thank you.

MR. CHAIRMAN: Thank you. I was wondering, quite frankly, as to the constitutional position that you were asking us to consider until your last remark.

Yes, Bob.

3:08

MR. HAWKESWORTH: Thank you, Mr. Chairman. I think there's an interesting angle to this, one that we've been discussing throughout our public hearings with people, in particular the Charter of Rights, because you're using the equality section of the Charter to challenge federal legislation. Can I take it that because you've sort of made that appeal, you feel that the Charter of Rights has been a positive change, a positive development in Canada since it was introduced in the early '80s? Or do you think it's a positive influence?

MRS. KLEIN: Yes, I do. On the whole, I think it is. I think it could be more specific with regards to some of the rights. To some extent how this turns out in court would affect my answer. But, on the whole, I think yes, because it does allow us to say that we have a group here which is being significantly discriminated against, and perhaps we have recourse through the Charter that way. So I do think it's been a positive change.

MR. HAWKESWORTH: One of the criticisms that is sometimes raised about the Charter is that in effect the courts, who are made up of appointed people and not elected politicians, are in fact taking over the job of being legislators. That is, through this process they're not only interpreting but in a way kind of remaking the law and are beyond the reach of the political process. What's your response to that kind of criticism that the courts in fact are taking the place of Parliament or of the Legislatures?

MRS. KLEIN: I know in the recent Symes decision that the case was finally decided against her. The judgment stated very specifically some of the objections that you're mentioning: that it's not in the hands of the judicial system to change the law, that you need to go through the political angle. From the standpoint of being an ordinary citizen with a complaint, my feeling is that I see an injustice, I see something that needs to be changed, and I'm going to try to change it however I can. So I attack it on both fronts. I mean, we're working politically and we're also working through the judicial system. Unfortunately, I think, many times in order to bring attention to legislators, there's nothing quite like a court case to do it. So it's kind of attacking on as many fronts as possible. I'm not sure that it's the best way, but if it works, you try it.

MR. HAWKESWORTH: Very good. Thank you.

MRS. KLEIN: Thank you.

MR. CHAIRMAN: Thank you very much.

Victor Lenko. Mr. Lenko, this is your second appearance, I think. Did you not come and see us before?

MR. LENKO: I visited before to get the hang of the thing.

MR. CHAIRMAN: You sat and listened, right. Exactly. Good to see you again.

MR. LENKO: If I may, Mr. Chairman, make a comment about remarks that appear in the press, and have even appeared here, about the judiciary writing laws. I think that is completely false. It is the politician who didn't correctly write his laws. The judges are saying, "Here, boys; take it back and do it right." So let's get that understood. I'm rather amazed that the press would let people . . .

MRS. GAGNON: Victor, I'm shocked at you. You should have said "and girls." We're not all boys here.

MR. LENKO: What did I say?

MRS. GAGNON: You said "boys." We're not all boys. Correct?

MR. LENKO: Oh, okay. I stand corrected.

This presentation consists of five papers, copies of which are offered to you in individual white, not brown, envelopes. The comments here are made in addition to these papers. The first four address the need for a newer Constitution, whenever one is contemplated by anyone in a free and democratic society. The last paper draws the reader's attention to the possible dire results should Canadians fail in the mission of constitutional renewal, if one is needed in the first place.

More specifically, the drafting of a newer Constitution requires grass-roots initiatives, which appear to be totally absent in Canada at this time. The present constitutional review is driven from the top downward, from the elected politicians towards the grass roots. That is wrong. The initiative should be the reverse, from the bottom up. Our nation's Constitution is not just another piece of legislation. If grass-roots readiness is absent, the politicians are left alone in their constitutional talks.

In the old soviets of Europe the people are still fearful. In Canada our apathy may well be politician encouraged and driven. You notice I said "may well be." This plays into the hands of any selfish politician who may not want public input at all. Should there be anything artificial about the need for a newer Constitution, the grass roots will sense it and reflect it by their lack of interest and participation, by staying away in droves. Even 1 million Canadians out of 15 million adults hoped for by the Spicer commission is too small a number. Perhaps the lack of interest and participation is their vote and their prerogative.

Ultimately, the politicians may fail because they acted without the presence of grass-roots readiness. The people sense it when there is no need for the exercise of constitutional renewal. Of our politicians I would ask: did the people of Canada or of any province, for that matter, ask for a constitutional renewal or a review in those specific terms, in a referendum perhaps? Clearly, it is the elected politicians, with delegated authority only, without specific directives from the people, who instigated the so-called need for a constitutional review and took the liberty to create and to magnify one. Those are the politicians who have diverted the attention of many of us towards the Constitution and away from the still unsolved problems of the economy, away from the people's grass-roots, bread-and-butter concerns. This new diversionary order, synonymous to Bush's new world order, seems to be a worldwide political virus, very contagious even in Canada.

The first paper outlines the need for a constitutional assembly, emphasizing the preconditions for success in any constitutional review. There may well be need for a somewhat permanent but dormant but at-the-ready constitutional mechanism. Let's go for it. The second and third papers deal with the very important essence, if you will, of a democracy for all the people and by all the people, universality for all the people in keeping with democratic principles, not yesterday's Leninist, communist principles.

The fourth paper speaks to six regions of Canada, three in the east and three in the west, with regional equality as well as intraregional provincial equality, elected during a regular federal election, keeping the expenses down, with regional numerical equalities, but glaringly absent are the effective powers for these regions. I am suggesting that an elected, equal, and effective new house of regions be formed in Canada. Even proponents of regionalism in the United States, our great southern neighbour, are suggesting 13 topographical regions in their country. Effectively, these advocates are saying that 48 mainland Senates and Legislatures are too many and a colossal waste of money in this modern age of rapid electronic communications. Even insurance companies are moving to Regina. Government costs must be reduced by eliminating duplication of mechanics and services within the same regions. The horse-and-buggy days are long gone, but I think our thinking is back with them. Thirteen United States houses of regional government are sufficient, surely. Our problem is Canadian, not United States-ian, although both are American. The differences and similarities do exist between us. I might ask: is there any good reason for the prairie's or the maritime's duplication of houses of government? In my opinion, the time for regional houses of government has arrived, but no one outside the maritime provinces has even raised the issue.

3:18

The here and now approach by here and now short-term politicians yields short-term results. This tends to place the label of selfishness upon their activities. As an aside, I think the barbs that have been thrown at the politicians and the media are quite undeserved. Improvements are needed in those areas, but let's address ourselves to the improvements, not be negative about it. The short-term politicians are wanting to pack all their activities into the short term in office. It may be wise to remove the shortness of time from the politician and give it to the grass roots who must take time, for they have only spare time. Grass roots, sober second, third, and even fourth thinking lend themselves towards evolutionary growth rather than radical, revolutionary change. Radical, revolutionary, and rapid changes can be too disruptive.

The world is observing such changes in the new U.S.S.R. of Eastern Europe where it was needed, and in the Adriatic areas of Europe where it is not needed. Closer to home here in Canada, to Quebec my message is: one whole Canada, one official language, one uniquely distinct Canadian mosaic culture from sea to sea; many multicultural languages to prepare Canadians for the commercial global village of which we are but a part and where tomorrow's business opportunities lie, before our grannies who can act as linguistic teachers for free are gone. I think the sooner we wake up to that fact the better. A specific second official language barrier to specific federal jobs is no different than in the old days when if you wanted to go to university you had to have Latin as a second language. This was a language barrier inserted into the education system – and this is well documented – by the then learned, elite upper crust to keep the uncouth children away from the elite children at that university lest they contaminate the children of the upper classes.

We are breaking barriers worldwide even today. Why are we erecting a language barrier in Canada? It boggles the mind to think that a mosaic nation like Canada would even entertain the notion of a language barrier while at the same time entering the commercial global village. I dread the thought that the instigating reason may be racial, globally racial. The people you see today in the world are no longer a Frenchman, an Englishman, a Welshman. You see colours, four colours, and it was one colour, the whites, that was first out of the industrial gate. They had their hands on the wheel of the industrial machine. But economics knows no political or racial boundaries. The others are catching up. How else are the whites going to maintain their hands on the steering wheel? Aha, we'll throw a linguistic curve which says you must be fluent in two languages if you are to get a job in the federal civil service. Now, that smacks not only of ethnicity discrimination but of racial – colour – discrimination. Before a World Court at the United Nations or in The Hague that would not fly, I'm sure, which is one of the reasons the North American natives are winning their cases in the international courts. For that I have to say shame on Canada, if that is the case.

It has been said of multiculturalism in Canada: let them pay for it themselves. I ask: is it not the public purse, the taxpayers' money, that pays for a criminal's costs in a halfway house for integration into the community upon release? Then why deny similar halfway house integration facilities to innocent new arrivals to Canada? Those Canadians denying the one while paying for the other have their priorities scrambled, in my opinion. I might well ask of these Canadians: what are you smoking? Presto cigarettes?

I thank you for your attention and this opportunity. Merci. Arrivederci.

MR. CHAIRMAN: Thank you very much, Vic, for your presentation and the background material which you supplied as well, which is quite extensive and which we will review.

Are there questions? Yes, Yolande Gagnon.

MRS. GAGNON: I'm pleased that you gave us the information that some people in the U.S. are considering a house of regions. That was not something I was aware of. Because so many wish us to emulate the U.S., it is interesting to know that they are also considering some reforms. Your allegation, though . . .

MR. LENKO: If I may correct you. I don't want you to think that they are thinking in terms of the house of regions. What they are thinking of is in terms of eliminating some Senates and Legislatures. Then they would have a regional government, but that is not akin to my suggesting that Canada have a house of regions.

MRS. GAGNON: Okay.

The other thing I just want to deal with for a minute is your allegations of racism, if one requires two languages in the civil service . . .

MR. LENKO: The senior civil service.

MRS. GAGNON: Senior. As you know, many people whose language is French, Haitian, Vietnamese, North African, from Mauritius – I don't think you're accurate in saying there's a tint of racism there and trying to keep away anybody but whites.

MR. LENKO: There are always exceptions. I'm just warning, and wishing that there is no racial instigation behind it. I hope I'm wrong.

MR. CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman.

Mr. Lenko, I was fascinated by your Senate proposal. The way I understand it, you would elect all the members of the House of Commons, and then 72 of those would, depending on their plurality, be moved to the upper House. I guess the one question that comes to mind is how the one person elected for just a constituency would be able to represent a region.

MR. LENKO: He'd just be elevated to do that. He'd represent not only his constituency but the region of which his constituency was a part.

MR. ANDERSON: So you don't think he would require a mandate from the rest of the people of that region?

MR. LENKO: You've already got it. If you read carefully there, you'll find out that it's the elected MP with the highest percentage. His percentage is competing with the percentage that the men got in the other winning constituencies.

MR. ANDERSON: I guess my only concern would be that nobody voted for him in the other constituencies that he'd be representing.

MR. LENKO: Vote directly? Yeah, that's correct; they didn't.

MR. ANDERSON: Okay. Thank you.

MR. CHAIRMAN: Thank you very much.

MR. LENKO: You're welcome.

MR. CHAIRMAN: Hugh Jones.

3:28

MR. JONES: Mr. Chairman and members of the select special committee, I hope I come before you as the person from the grass roots that Mr. Lenko was speaking of. I have no particular affiliation. I got interested in this during the meetings of the citizens' forum and submitted to you earlier my comments after the citizens' forum. I felt there were a number of topics that were being purposely avoided in that forum and in discussions that I'd hear on the radio, mainly ones that would affect politicians versus the rest of the citizens.

I have condensed this into four items I'd like to talk about today, the first being the provincial/federal power split. Power is divided between provincial, federal, and municipal governments and the boards of hospitals, schools, et cetera. This BNA Act division was made at a time when the country wasn't even joined by rail let alone instant telecommunications. Since that time we've been united into a country by two world wars. Each of us now presumes a right to work, live, and retire in whatever part of the country we choose. Many of us have relatives from coast to coast. St. John's, Newfoundland, is now more closely connected to Tuktoyaktuk than Toronto was to Saint John, New Brunswick, in 1876.

Listening to phone-in shows I detect a feeling among the young that the people who happen to live in a province at this moment don't own the province. I heard a young lady on the CBC the other day say: isn't it all part of my Canada? I think we ordinary people must go wherever the jobs are. I've been in Alberta for 12 years. I feel loyalties to Alberta, but my prime loyalty is to Canada, and I would like to hope that I'll get the same standard of services and the same rights wherever I go in the country. So I ask myself who it is who's supporting decentralization of power, and I think it's surely not the 90 percent of the population who are seeking work wherever they can get it. I think it's big stakeholder groups whose own prosperity is so tied to that of their province or city that they're willing to gamble everything on this one locale. Most obvious are the séparatistes in Quebec, but there are obvious stakeholder groups, chauvinistic groups here in Alberta as well.

The present power split almost mandates that all those elected to provincial government will serve this chauvinistic stakeholder group and I think not represent this grass-roots citizen that I am claiming to be. Protection of the local turf ruins things like the universality of health care and education, which are now different in each province. With modern transportation why shouldn't each hospital and university across the prairies specialize and draw from the whole region? With modern telecommunications Canadians are more interconnected than are a similar number of groups who live in the region of São Paulo or the region of Mexico City. You and the government will be forced to represent either the local stakeholders or the ordinary citizens. If you choose to represent the ordinary citizens as I see them – and I admit it's a very personal view – who just happen to live in Alberta, you should suggest that services to all Canadians be rationalized under federal authority. As well as health and education this should include the criminal justice system, police, pensions, and all professional and trade registrations which affect our mobility across the country.

A first step was taken at the First Ministers' Conference at Whistler when they encouraged the feds to set up a Canada-wide education standard. The thought of a federal ministry paying much of our medical costs, of a provincial government building hospitals to their own greater glory, and of a local board doing the administration makes me shudder. The duplication must be appalling. Provincial governments should be mandated to concentrate on resources and job creation. As in international law, anything protectionist dividing between the provinces in business or transportation makes us less competitive in the world as a whole, and I think this was discussed at Whistler as well.

So as my first suggestion I would ask that you suggest a constitutional clause which states that services to the citizens which are common to all Canadians should be funded and directed by the federal government with the minimum of duplication by other levels, that the function of the other levels of government in these areas should be to act as local representatives to bring local concerns to the attention of the federal agency.

The second topic I wanted to discuss was Quebec's separation. I feel that the culture of the heartland Quebeckers is as strong and as distinct as any on earth. Les Québécois de souche are as different from us as the Balts are from the Russians. Just as the native peoples have rights that predate those of the French, so too the original Quebeckers have a right that predates ours. They've been here twice as long as the rest of us. They were conquered by the English and never given a realistic opportunity, by referendum or any other grass-roots means, to decide whether or not they wish to join with the rest of us. I felt from the beginning that we must eventually give them the right to secede. For that reason I've given much thought to the consequences if Quebec does decide to depart rather than dwelling on ways to bribe them to stay with us.

My first submission to you concentrated on the plight of the nonseparatist portion of Quebec, which I felt was not being discussed. It is now being discussed everywhere, and I beg you to ask Mr. Parizeau tomorrow once again about the plight of the one-third of Quebeckers who want to remain a part of Canada. You will discover that he's willing to perpetuate present laws and practices which favour les Québécois de pure laine in employment and culture. M. Parizeau has stated that an 1871 law makes it impossible to reduce the size of a province without the province's consent. I think it would be instructive if you were to quote him the sedition and treason laws of the same era.

The Saguenay-Lac-Saint-Jean area voted the most solidly for separation in the 1980 referendum. Please ask Mr. Parizeau if he would be willing to centre his new country in that region and then to expand outwards as other districts agree by majority vote. If it was handled in this manner, I, like professors Bercuson and Cooper, would prefer that this heartland area be separated. If Quebec is allowed to separate and take the present land area, they will make life miserable for the non-separatist one-third of the population. We will have a generation of dispossessed refugees arriving back in Canada. The thought of the descendants of the United Empire Loyalists and the Mohawks, our loyal allies of the time, being driven from their homes a second time is very troubling to me.

I would ask that you suggest that a clause be added to the Constitution acknowledging that the Quebeckers did not have a realistic option to remain out of Canada at the time of the BNA Act and that they now have the right to leave, taking that contiguous area where more than 50 percent of the population wish to separate. You should also suggest that those who remain in Canada must subscribe to and uphold the Canadian Charter of Rights; thirdly, that there should not be any means to opt out of any portion of the Constitution.

The third topic I'd like to discuss is representative government. Modern democracy, unlike the original Athenian ideal, must be based on representation. We count on the system to bring forth leaders we trust and a government that will rule to our benefit, not their own. I can't even imagine a successful format, but there are a few clues in the successes we have had. Firstly, it is essential that we agree on our representatives. With three or four parties, our present winner-take-all system allows the possibility of a winner with 34 percent of the vote and the other 66 percent of the population preferring any one of the other three candidates rather than the one who won. I call this the Allende syndrome. The political parties don't allow this unfair situation to occur in their own leadership elections. They all have runoffs for their leaders so that the leader is in some sense chosen by the majority. With the advent of voting machines, it's possible to record first, second, and third choices and to do an automatic runoff rather than the six-weeks affair that the French do. I think we should do that for all elected offices.

Secondly, there's an argument about the responsibilities to their constituents of those elected. Many or most politicians seem to believe that the citizen's right is limited to voting and that the elected representative must be left to decide on the basis of his or her party's general philosophy or their conscience. Obviously, the other side in this discussion argues that the representatives should vote as the majority of the constituents would vote if they were able to be there. This discussion comes about because of the crisis in leadership. Good leaders don't take their mandate as a licence to pass unpopular legislation but rather as an opportunity to lead the electorate into their way of thinking. Years ago the ridings were small enough so that we were able to make our discontent readily apparent to politicians. Now it's getting a little more difficult. Secondly, matters are getting so complex that we may very well want a person of a particular party, but there may be something very specific, the abortion issue, where we would want to direct our member.

3:38

I have an example here of what I think is a real failure to lead: the federal government's handling of the Oka crisis. I believe that a survey of the English-speaking population would show that 90 percent of us are convinced that the Mohawk were at Kanesatake before the French and that they were shoved off this aboriginal land by white usurpers. From a very few public statements, a lot of reading between the lines, and some correspondence, it seems to me that Brian Mulroney believes that the French had been at Kanesatake for 100 years before the defeated British brought the Mohawks, that the British installed them in spite of the rights of the French and the Algonquians, whose aboriginal land it actually was, and he undoubtedly knows that this was especially galling to the French because they'd been fighting the Iroquois tribes for 150 years at this point. In his one public speech on the matter he pointed out that the right of the property holder had been twice defended in court. Mulroney had the opportunity to clarify the complete situation but apparently didn't feel any need to lead us. If we had a tradition of referendums and recall, I think he might have felt more pressure to lead us into his way of thinking before sending in the army.

At the time of my original submission there was some talk of a desire to bring more of the power from the political level down to the citizen. The route most commonly suggested was the voter-forced referendum and the right to recall. I'm heartened by the announcement that British Columbia will ask the voters to express themselves on recall legislation. In my opinion, the Constitution should be altered to give more representative government in the following ways. Firstly, all elections should involve multiple-choice ballots. Secondly, there should be a right to force a referendum if 5 percent of the electorate sign a petition objecting to a piece of legislation. Thirdly, there should be a right to force a referendum on any proposed legislation within a single riding if 25 percent sign. The representative should then be bound to vote as directed by the majority or resign. There should also be recall legislation to be used when over 50 percent of the voters object to their representative and wish to recall. That's a very high percentage to get on any kind of a thing, and it would very rarely occur, but it would be a threat. You should also consider suggesting that a single representative be elected in each riding to represent us at municipal, provincial, and federal levels. I know it's impossible, but think about it.

National debt is the last subject I'd like to express myself on. In my original submission I advocated Gramm-Rudman type legislation to help us to cope with the national debt. As you know, Don Mazankowski has now made a move in this direction, and I guess Saskatchewan's going to ask their voters if they're interested in it. I believe that this fiscal responsibility should be required in the Constitution. The cost of government policies should show up immediately so that governments cannot bribe us with our children's money.

The question is always: where would the money come from? We as a people, represented by our government, enter into tacit and written agreements with industry regarding taxes. We do this to attract employers to Canada and to keep capital here. If there ever was slack in the economy, we as the citizens would wish to take the slack for ourselves. It follows, then, that when there's a deficit, we should make it up ourselves and not try to change our written and tacit agreement with industry. Based on the above, the Constitution should force the federal and provincial governments to alter their income tax surcharges on a quarterly basis to collect an amount which would have balanced the budget in the previous quarter and would have paid off at least 2 percent of any debt.

MR. CHAIRMAN: Thank you very much, Mr. Jones. The question I asked a proponent of recall yesterday I'll pose to you as well. I said: if you're going to vote for recall, should the people who are entitled to participate be only those people who bothered to vote in the previous election in which the person was elected? I said it in jest, but since then, the more I think about it, the more I like the idea, because there is a responsibility not just for politicians but for the public as well to be informed and to vote, and in many cases we see that not taking place.

MR. JONES: A voting machine would make it practical to record who had voted in the last election. Whether you used it for your purposes or not, I think if a person knew that he was being recorded as having attended, maybe it would have a good effect.

MR. CHAIRMAN: Everybody who votes is recorded as having voted, and the name goes in a poll book when you go and vote. I'm just saying that because this notion of recall, that has some public interest, is awfully concerning to politicians.

Yes, Dennis.

MR. ANDERSON: Mr. Jones, could I explore with you your statements on distribution of powers. You expressed a point of view that we have heard before, although we've often heard the opposite as well, that in a nation as large as ours, despite the communications network and the differences that are there along with the population imbalance, the government closest to the people is the one more able to deal with their needs in a particular service sense than others. You don't give any credence to either of those two arguments, to the population imbalance problem in terms of operating a nation in the best interests of the majority which are there, or to the government closest to the people proposition?

MR. JONES: Well, I was speaking to very specific services that would seem to be nationwide: health, the law. Well, we already have most of them on a fairly nationwide basis. It was specifically those, and I very much would like to see more local government controlling anything which has to do with job creation. I mean, I can't imagine going back to a national energy policy, a system of mandating that sort of thing from Ottawa, and services in the sense that municipalities give services it would be ridiculous to consider centralizing. It's only the ones that are Canada-wide.

MR. ANDERSON: In your – I'm not sure if it was semifacetious – suggestion that politicians be elected to represent the population at the civic, provincial, and federal levels: do you then feel there is this problem in the nation at the moment with the provinces being represented only in the House of Commons through the rep by pop philosophy, and do we need an upper House or other mechanism to balance that, or are you quite comfortable with the way it is?

MR. JONES: No; I would like to see an upper House. I just wasn't addressing myself to everything in this.

MR. ANDERSON: Sure. Thank you.

MR. CHAIRMAN: Thank you very much.

I'm sorry, Mrs. Gagnon, I didn't see you.

MRS. GAGNON: I have a comment as well. Could you clarify your statement that because some constituencies are so large, politicians are not very accessible? I know, for instance, that I do have a huge constituency, and it's growing every day. The houses go up like mushrooms; I think there are about 45,000 people. Nevertheless, when I make myself available twice in the same day at a very well-advertised town hall meeting, maybe 13 people show up in the morning and maybe seven in the afternoon. We make ourselves accessible; people don't always come forward. We make ourselves accessible in other ways as well. I'm just wondering if you have any comment on that. Is it apathy, or is it the fact that people just feel totally disgruntled?

MR. JONES: It's apathy based on experience. The politician 50 years ago in a rural riding – everybody knew they could drive by his farm. They knew they had a way of contacting him. Today everybody thinks they have no way of contacting you, and what percentage of the people actually noticed the thing in the paper?

MRS. GAGNON: But it's such a fallacy.

MR. JONES: Oh, I agree.

MRS. GAGNON: I don't want to defend anybody else, but I think we're all available. We have offices open all day long, phone numbers listed everywhere.

3:48

MR. JONES: I've been unemployed for almost two years now and have done an awful lot of corresponding with various politicians. I've had very good experience in getting considered replies on this matter, and I'm very interested in quite a number of other political things. Ralph Klein, for instance, came by and talked about what I was concerned about. But I don't think you can quickly get that across to everyone in a very big, complex situation like a municipal riding in the city of Calgary or Edmonton. It will take some time and a different division before people will come back and start knocking on your door.

MRS. GAGNON: I guess that's my point. Just because people don't know it, does that mean we need a major change in the way we do things? You know, that's my concern.

MR. JONES: I feel that recall is a good thing anyway as an ultimate defence against someone going in a different direction than what the majority wants to go even after the public discussion. If you have that, that's one more feeling of empowering you as an individual, and it's much more likely that individuals will come forward as you start to empower them in any sense.

MRS. GAGNON: I'm just wondering if it's not more a reflection of the fact that those with whom you agree will feel that, yes, they've been represented; those with whom you don't agree will feel they weren't represented, that nobody listened.

MR. JONES: Well, you feel you've been heard.

MR. CHAIRMAN: Thank you very much, Mr. Jones.

We'll adjourn now until . . . Sorry, Ms Betkowski, I thought you were pointing . . .

MS BETKOWSKI: Mr. Jones, I have a question for you. The chairman doesn't want to recognize me. I'm going to keep . . .

MR. CHAIRMAN: I thought that Ms Betkowski was pointing out to me that Mrs. Gagnon had her hand up to be recognized. My sincerest apologies, Ms Betkowski.

MS BETKOWSKI: Thank you.

I want to ask you a question on your health care model because it's one I've never heard. I guess I'm one of the chauvinists that you referred to. You suggest, as many have, that we increase the way in which the grass roots might participate in government and enhance that by various means. Yet you also suggest that instead of the local input that we have in running our health care system, through locally appointed and elected boards, we give that to a federal bureaucracy to run the health system. I wonder how you have come to that conclusion. I've never heard it before, and I just wondered if you could explain it to me.

MR. JONES: It's always best that he who pays calls the tune. It seems to me you can more easily hold them responsible. The overall system is mandated and paid for by the federal government, and then various sections within it get doled out. Each area of responsibility – medical doctors, for instance – feels that they must do everything that can be done. There isn't an overall control. I think the control should be there, and the politicians at whatever level are responsible to make sure that that one agency which is doing it all does it correctly.

MS BETKOWSKI: You know that the federal government contributes about a quarter to the cost of health care in this province, and diminishing?

MR. JONES: Well, the contribution is one thing. The way in which it's come about, we had at one point that a unified system across the country was a federal mandate, and then the costs have come down from that.

MS BETKOWSKI: Actually, it's always been a provincial mandate. The Canada Health Act came in and created the five principles, which in fact have created far greater continuity across the nation with respect to health care.

MR. JONES: But now we're evolving away from it.

MS BETKOWSKI: Well, I would take issue with you on that. I think, in fact, what we're trying to do is ensure that it's sustainable into the future. The constitutional question is the national standard being set, and a means by which the provinces can test whether or not they're meeting that standard is really, I think, the constitutional issue.

The fiscal issue, that I think is starting to come into your perception of how the system runs, is that the federal government is itself backing out of its commitment, dollarwise, to health care, yet it still has the mandate in the Canada Health Act. So that's what we're struggling with as a model of national standard and provincial participation. I think, and certainly most of the presenters to us believe, that the current model of medicare is one that's working and we have to work hard to make sure it's maintained into the future.

Anyway, yours is a very different model than I had ever heard.

MR. BRADLEY: I just wanted to supplement that in terms of information. Ms Betkowski has indicated that the federal government is reducing its allocation towards health care. If you thought of transferring that responsibility back solely to them, do they have the fiscal capacity to deliver that uniform health care system across the country, or would we see, because of their limited fiscal capacity, actually a lessening in terms of the quality of the system?

MR. JONES: Well, anytime there's been a shift of responsibility, there's been a shift of fiscal capacity with it. I guess that would have to happen.

MR. CHAIRMAN: It hasn't always happened. If it happens, that's another issue.

Well, thank you very kindly, and we adjourn now till 7.

[The committee adjourned at 3:54 p.m.]

7:05 p.m. **Thursday, September 12, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, we're going to commence very soon. We're expecting a couple more members to come along. But in the meantime, while we're waiting, perhaps Marsha Graham could come forward and start her presentation. As you know, there's 15 minutes for the presentation and some questions. We try to be a little flexible, but we have a full evening. It's been a full day too; it started at 9 this morning.

Marsha, thank you for coming.

MISS GRAHAM: Thank you, Mr. Chairman. Committee members, good evening. I am making a presentation to you as an individual who has a keen interest in the ongoing discussion regarding Canada's Constitution and its future as a sovereign nation. As a student I am very concerned about what lies beyond university for both myself and my peers. In the medium and long term I wonder whether or not Canada can successfully become a competitive actor in the global economy, to sustain the standards of services and quality of living we have come to enjoy and expect. I also ponder the future of the workplace and the role of the family. Other basic concerns range from what portion of our future incomes will go towards taxes and whether or not it is reasonable to expect that most from my generation will one day be able to be homeowners.

I believe these broad issues bear relevance to the current constitutional deliberations. In my view, we would be doing the country a disservice if we only view the Constitution in a narrow legalistic framework and ignore the sociopolitical and economic dimensions of the debate. Moreover, leaving the legacy of an unfinished constitutional agenda for successive generations is courting disaster. The emotional and financial output expended on this matter detracts from citizens and governments pursuing progress in other areas. Please don't misunderstand. Indeed, the constitutional issue is and should be a top priority for Canadians at this juncture in our history. However, it is unlikely that all citizens or all governments are going to get everything that they hope to achieve in this process.

In an explanation of Canada's constitutional struggle, Dr. Peter Russell of the University of Toronto noted in a 1985 speech at Princeton University:

> So unending has this quest for a constitutional nirvana been that the Canadian constitutional myth appears to be the exact opposite of the American: whereas Americans may believe that they have the perfect constitution if only the country would live up to it, Canadians regard their country as a wonderful place if only they could find the right constitution.

Nonetheless, we cannot continue to proceed with major revisions to the Constitution every decade in the pursuit of a perfect document. It is imperative that we resolve the major outstanding issues in this round of deliberations to make room on the national agenda for other challenges facing Canada in the 21st century.

In the body of my presentation I will offer my views on various segments of the Constitution. Some of these may be widely supported by others and are practically achievable goals. Other opinions may carry less popular support but I believe still warrant attention. Ultimately, Mr. Chairman, your committee has the formidable task of prioritizing these issues. For ease of reference I've generally structured my presentation using headings found in the Constitution Acts of 1867 and 1982 and have concluded with a section on institutional reform. It should be noted that not all suggestions put forth require formal constitutional amendment; some could be handled through a political negotiation process.

In reference to the Constitution Act of 1867 – i.e., the BNA Act – and section 90, the principle that all provinces have equal status should be affirmed. The provisions in section 90 granting the federal government powers of reservation and disallowance are contrary to this principle and should be repealed. Moreover, these powers have fallen into desuetude.

Distribution of legislative powers, that being sections 91 and 92. The division of powers in a federal system of government should promote the efficient use of human and financial resources and allow the free exchange of goods, services, and capital throughout the country. Ambiguities in the meaning of emergency versus residual powers assigned to the federal Parliament in the POGG clause, being peace, order, and good government; concurrent involvement by provincial and federal governments in areas such as agriculture and the environment; and barriers erected inhibiting interprovincial trade of goods and services have prevented the country from becoming a fully-integrated economic union, creating protracted conflicts within Canada which produce negative consequences for the country as a whole.

Without going into the precise details on the division of powers, due to time, I would request that the committee consider the following three points, which may serve to harmonize rather than penalize the diversity of Canada. First, determination of the central government's legislative powers should be closely linked to the existence or lack thereof of intrastate federalism. Specifically, decisions to modify or not modify powers should be closely tied to reforms in the Senate. Secondly, greater congruence is required between government spending responsibilities versus means to raise revenues. Third, opportunities to revisit and formally employ forms of co-operative federalism should be addressed. Interprovincial negotiation is preferable to the creation of inflexible constitutional arrangements of powers and confrontation among and between federal and provincial governments. Constitutional and political agreements to reduce interprovincial trade barriers and to develop national minimum standards for professional designations, health, and education may warrant detailed consideration. A binding decision-making process could be developed for inclusion in the Constitution. The general amending formula in section 38 of the Constitution Act may provide a formula by which an interprovincial authority could make decisions where a negotiated agreement isn't possible.

Now, moving on to the Canadian Charter of Rights and Freedoms, the failure of the 1987 Constitutional Accord I believe signaled two major changes for the Canadian constitutional landscape. First, Canadians' tolerance for unchecked executive federalism has declined; for some it has ceased to exist. Secondly, in the past 10 years one cannot ignore that the Charter's significance in both symbolic and tangible terms has grown. Dr. Alan Cairns of the University of British Columbia has identified as Charter Canadians the group of strong defenders of the Charter who have emerged. I believe he has accurately identified the tension which exists among key stakeholders, that being citizens and governments, in Canada's Constitution. While there may be a desire to bring Quebec into the constitutional family, it should not be at the expense of rights and freedoms of all citizens or other governments in Canada; thus my forthcoming statements have tried to be sensitive to these tensions.

Dealing with official languages as well as minority language education rights, personally I have no objection to recognizing Quebec's distinct linguistic qualities. The existence of these hardly requires elaboration. Whether this distinctness extends to culture is another matter. I would contend that each province is culturally distinct and therefore should be recognized as such. Furthermore, I believe there is room to recognize Quebec's distinct linguistic nature within the constitutional framework, which would not erode the principle of equal provincehood or seriously challenge basic rights and freedoms. I would suggest that a so-called distinct clause be incorporated into segments of the Constitution which deal specifically with language rather than being set apart in a separate section.

The greater difficulties which exist in the general area of language include official bilingualism and educational rights for English-speaking minorities within Quebec and French-speaking minorities in the rest of Canada. In part, I feel Quebec's position on official bilingualism has been misunderstood by Canadians outside Quebec. Quebec has not been a big promoter of official bilingualism any more than Albertans have been. Essentially, they've wanted to preserve and promote the French language in their own province. Whether or not they are successful in doing so in the long term remains to be seen but likely will be influenced by external forces outside Canada as much as anything else. Generally, I would conclude that official bilingualism is worthy, yet an impractical and expensive goal even in a society that is striving toward egalitarianism and pluralism. Perhaps opt-in or opt-out provisions could be considered for the official language sections of the Charter.

With respect to minority language education rights, I believe the provision of bilingual or immersion programs is reasonable if local demand warrants these programs. The pursuit of a second language on the basis of intellectual merits should be applauded and not discouraged. Circumstance creates a unique educational opportunity for Canadians to be bilingual in French and English. However, the requirements brought about through Charter court challenges to specifically provide Francophone education that is operated and managed apart from the public school system is an unreasonable expectation for French-speaking minorities outside the province of Quebec. I would conclude that the same is true for English-speaking minorities within Quebec, albeit to a lesser extent because of the concentration of numbers in some areas of the province.

7:15

I now move on to the application of the Charter and specifically section 33, the notwithstanding clause. A great deal of concern has been centred around the existence of a legislative override clause in the Charter. The nature of the Charter document is supposed to be countermajoritarian, yet we have made provisions for rights to be overturned by Legislatures. Nevertheless, I would offer support for retaining this clause on the basis that it affirms our basic trust and belief in the political process for special circumstances involving Charter issues. Furthermore, it provides a check against the excesses of judicial activism. The body of case law in the Charter is mounting, and there are some clear examples that jurors show varying degrees of deference to legislative choice.

Secondly, although judicial independence and the lack of accountability for decisions is of paramount importance to the court's operation, it is fair to say that there are Charter issues where there are two or more distinct yet reasonable legal and public policy positions.

Finally, the purpose and the requirements for the use of section 33 in no way promote arbitrary governmental action against citizens' rights and freedoms. Clearly, in the wake of a Supreme Court decision governments must take special care when invoking the provision or else they will hear from their electorate.

In terms of a procedure for amending the Constitution in sections 38 through 49 of the current Constitution, the exact nature of our federal arrangements should be inherent in the amending formula. Specifically, the equality of provinces must be a guiding principle to amending provisions, but the need for flexibility also exists. My preference would be to maintain the current amending procedures, with the belief that Canadians have made themselves heard that they want substantial public consultation when changes to the Constitution are being considered.

With some reservations I would support the use of referenda only where amendments to the Charter or certain sections of it are involved. A formula for the use of referenda in these cases must recognize less populous regions and therefore not be won or lost on the basis of a simple majority.

Moving on to institutional reform, clearly much of the past and current political tension in Canada has been exacerbated by the real and perceived inability of our national institutions to adequately reflect and respond to the diverse regional and/or provincial interests of the country. Most recently these tensions have escalated due to an apparent lack of trust for those who hold public office both on a national and provincial basis. If one takes a global view of political affairs, these phenomena, regional and political alienation, are not unique to Canada. Nonetheless, we cannot dismiss these problems on the basis that they exist elsewhere, often in a more acute form.

I'm compelled to include, based on everything I've seen or read, that the first step to remedying some of these concerns in Canada involves fundamental reform of the Senate. I won't elaborate extensively. Essentially, though, I would endorse the triple E concept as outlined in Alberta's Strengthening Canada report, with the proviso that we must remain flexible on some details insofar as they do not detract from or erode the basic principles of elected, effective, and equal.

In terms of some other considerations for institutional reform, I think we need to look at some of our basic political traditions and institutions, including modifying strict adherence to party discipline. In the area of electoral reform it may be worth while considering imposing a maximum number of terms or years one can serve in publicly elected office and formal recognition of party nominations required to stand for office in provincial and federal elections.

I would not support the designation of seats in any Legislature to a specified group such as women or aboriginals. Based on the Alberta Legislature, these groups are making progress in winning elections on their own, and I've heard no compelling arguments to suggest that they will not continue to do so in the future and improve their representation. Moreover, modified experimentation with such schemes in the United States has not proved successful.

I'd like to thank you for the opportunity to share some of my thoughts with you. I'm sure that each time someone makes a presentation to the committee, your task becomes more difficult as variations on themes and ideas are put forth. Time has only permitted me to give a brief explanation for a small number of issues; many more, including native self-government and the role of the monarchy, remain. I wish you success in the development of a position for Alberta to bring to the constitutional table.

Thank you.

MR. CHAIRMAN: Thank you, Marsha, for that comprehensive and very thoughtful presentation.
Yes, Fred.

MR. BRADLEY: You mentioned at the very end that you wanted to comment on the role of the monarchy. What do you see as the role of the monarchy in Canada's future constitutional development?

MISS GRAHAM: On a personal basis I don't see a future role for it. I guess theoretically we're still a constitutional monarchy, but to me we've evolved, and it's really a figurehead. For a lot of people, though, it symbolizes stability, and there's such a strong symbolic and historical attachment that as a practical consideration I don't think it would be politically palatable to a lot of people. I myself, though, if you abolished it, have no problem.

MR. BRADLEY: The monarchy is the head of state. It has certain constitutional responsibilities in terms of dismissing governments, signing laws into effect, et cetera. What would you replace it with?

MISS GRAHAM: The executive branch of government would end up I think just giving those formal powers essentially to the Prime Minister.

MR. BRADLEY: You wouldn't have a separate office, president, separating that function from the head of state from the executive branch?

MISS GRAHAM: I haven't given it a lot of thought. I guess because it's so ceremonial I don't really see it as being that critical. But, you know, certainly I wouldn't object to that kind of arrangement.

MR. CHAIRMAN: Okay. Thank you very much.
Barrie.

MR. CHIVERS: Marsha, you've come down on the side of retaining the notwithstanding clause. It's a subject that I've been giving a lot of thought to, and I agree with you; I think it has to be retained for political reasons. If we're going to get a constitutional consensus, we're going to have to have something similar to that. I'm wondering what you think of the idea of making the operation of the notwithstanding clause subject to a referendum in the jurisdiction seeking to exercise it, be it provincial or federal. In other words, prior to the . . .

MISS GRAHAM: Yeah, I understand what you mean. And still applying to sections 2 and then 7 through 15?

MR. CHIVERS: Right.

MISS GRAHAM: I would have a problem with that. I guess my concern about a move to direct democracy is a sort of talking yellow pages approach to government, and that's happening to some extent. I guess I still see the value of representative democracy, and I elect an MLA or an MP to represent me on the issues that I think he or she can best inform themselves on. I'm not going to agree with them on every point and certainly expect to be able to provide input. But if we have to start going to the polls on every issue, as I say, I think we'd tend to get a knee-jerk reaction on a lot of issues.

Now, the notwithstanding clause hasn't really been used, for all practical purposes, with the exception of Quebec, and there it's been a protest. I don't know if it was used in Saskatchewan or not. They were considering it.

MR. CHIVERS: It was threatened in Saskatchewan.

MISS GRAHAM: Yeah. Whether a referendum would be a frequent occurrence or an infrequent occurrence I think makes a difference.

MR. CHIVERS: I do too. It seems to me it would have the advantage that it would mean that before you could take the drastic action of implementing the opting out, you'd have to have at least majority support within your jurisdiction for that action on that specific issue rather than as part of your general mandate.

7:25

MR. CHAIRMAN: You're not compelled to answer the question.

MISS GRAHAM: Yeah. I guess I haven't given that a lot of thought, but if governments are going to want to be overturning decisions on a frequent basis, then it would maybe lose its impact. I wouldn't totally oppose it, I guess. I'd just like to give it . . .

MR. CHIVERS: The context for the question is that we've been receiving a lot of presentations that oppose the notwithstanding clause on the equity principle, saying that rights and freedoms have to be the same for all Canadians. I was wondering about this as a possibility of a compromise.

MISS GRAHAM: I think it's a possibility of a compromise. I wouldn't completely object to it right off the bat but would certainly want some more information before I give it full support.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Thank you very much, Marsha. We've heard a lot of representations that we should have a constituent assembly. You have not advocated that in your presentation. Have you given it consideration?

MISS GRAHAM: Yes, I have. I think the task of a committee writing a document such as a Constitution is a fairly hefty one even with a small group, and with a constituent assembly I think you're moving into a larger group, and then how do you choose who makes up that larger group. How many representatives does each province get? Do they all get an equal representation, five people sent? Does Quebec get 10 and Alberta get three? I think the semantics of trying to put together an assembly would be difficult, and I question whether it can produce results better than interprovincial negotiations with the players already in place.

MR. CHAIRMAN: Thank you very much, Marsha.
Al Engelhardt.

MR. ENGELHARDT: I see that Mr. Jones is not here today.

MR. CHAIRMAN: No. Mr. Jones has been and gone. That's right.

MR. ENGELHARDT: Good evening, Mr. Chairman.

MR. CHAIRMAN: Good evening.

MR. ENGELHARDT: I'm almost humbled by the previous speaker with her eloquence and detail. She said she was a student, and I'm going to tell you I'm a teacher, so I guess in a backhanded way I'll take credit for her presentation.

I have never before made a submission of any kind to any kind of public forum, locally, provincially, or nationally. However, as a Canadian given this opportunity, which I thank you all for and our government for providing us, I felt it was time that at least I as an individual stood up and was counted.

I think I should start with perhaps a bit of background, which will perhaps make it clearer when I come to the conclusion. I was born in eastern Ontario, in the French-Canadian neighbourhood of Cornwall. I grew up in conservative, staid London, Ontario, and I've had the pleasure of living and working in Alberta for the last 11 years at what I consider the best job in the world – my former minister would probably agree – that of a teacher. My thoughts and observations I guess tonight come from experience and, probably most important to me, from the heart.

Having observed the constitutional dilemma ever since I was a teenager, our basic problem in my view – and I don't want to get overly specific, but it seems that we think of ourselves too much as Albertans or British Columbians or Quebeckers and not enough as Canadians. I have watched with some chagrin over the years our political leaders at all levels take potshots at each other in a manner that I wouldn't allow in a grade 1 classroom. I was both appalled and somewhat hopeful watching the last Premiers' Conference when on the one hand I was most impressed by all our Premiers in how they dealt with the native issues as were presented by our native leaders and at the same time still appalled at the constant fed bashing. Now, certainly I'm not here to defend Brian Mulroney; I'm not that much of a masochist. But I think the time has come for our political leaders at all levels to be statesmen first and politicians second.

As to some of the specific issues that seem to be emerging in our constitutional debate, I offer some thoughts. The Quebec question, as it's constantly referred to: surely it's obvious to everyone that Quebec is a distinct society. Therefore, it seems logical to me that we must allow Quebec whatever powers seem reasonable to protect that distinctness. As to native Canadians, I think few if any Canadians can deny that we have treated them badly. I believe, however, that an open and honest statesmanlike approach to our long-suffering first Canadians would result in a settlement that would be equitable to all concerned.

Provincial powers versus federal powers. I think we must recognize that there are some things that provinces can do better than the federal government and vice versa, and if that means some more powers to the provinces in some areas and less in others, so be it. But I don't think we're going to settle anything if all the people involved simply say, "More for me and less for you." That's a sure recipe for disaster. I personally feel, however, that whatever the final distribution of powers we must have a strong central government.

I'd like to perhaps put this in another perspective. On the one hand, I understand, at least to some degree, the problems we are facing. Throughout my life I have been fortunate to have traveled and worked for short periods of time outside the country. There is in my view no better place to live or to work, and I think it would be safe to say that people outside our country are honestly baffled at what we're complaining about, and I think sometimes we are too. That in no way suggests that the problems we are talking about this evening or that you will face in your deliberations are not real ones, but I think sometimes we have to step back and say, "What are we really fighting about?"

I think this brings me to my final point. As both a Canadian and a teacher I think one of the things that we have to work on more is to celebrate and encourage our institutions and cultural endeavours and achievements that make us Canadian. I think we often lack that. On occasion we tend to, more often than we should, I believe, concentrate on our differences and not on things that make us Canadian. I don't think it helps when our Premier says: I'm an Albertan first. Nor does it help when the Premier of Quebec says: I'm a Quebecker first. I think we have to stop that. I think we have to start thinking as Canadians first, and if that means I have to give a little to Quebec or Quebec has to give a little to me as an Albertan on certain things, then that's the way we have to do it. If we don't, then I'm afraid we will never come to a conclusion and finally after years of trying people will say, "The heck with it." That would be very sad indeed.

Thank you.

MR. CHAIRMAN: Thank you very much, Al, for your presentation. I don't want to be partisan here, but I don't believe I've ever heard our Premier say that he's an Albertan first.

MR. ENGELHARDT: I have.

MR. CHAIRMAN: When?

7:35

MR. ENGELHARDT: On several news clips over the years. I don't mean to pick on him, but he's very typical.

MR. CHAIRMAN: No, no. But it's amazing to me. He may have said, I think, that his first responsibility is to protect the interests of Alberta, which of course any Premier would say about his province.

MR. ENGELHARDT: Certainly.

MR. CHAIRMAN: I've always understood him to believe that he is a Canadian first and an Albertan second. In any event, I'll discuss that with him.

One point that you did raise. I take it that you watched some of the televised proceedings from Whistler?

MR. ENGELHARDT: Yes, I did.

MR. CHAIRMAN: You mentioned the native issue.

MR. ENGELHARDT: Yes.

MR. CHAIRMAN: And you were impressed with the way the first ministers there, the Premiers, responded to those concerns? It is a complex issue, but the subject of native self-government and how that is to be achieved is really an issue that we have facing us in this province. While it's true that the federal government is primarily responsible under section 91(14) of the Constitution Act, we in this province say that we are responsible for Metis in particular. Are you familiar with the form of Metis self-government that has in fact been established in northern Alberta as a result of extensive negotiations with them and put into law recently, unanimously passed in our Legislature by all parties?

MR. ENGELHARDT: I am somewhat familiar with both the history of the Metis and the recent agreements. I think it's a model that people should look at, not the end result as it stands but the process which both the government of Alberta and the Metis went through. To me that's a model. Both sides said, "Okay, we have a problem; let's come up with some kind of solution," and a solution was arrived at. I think from what little I know of the proceedings that no one from either side walked in and said, "This is my position; I'm not moving." Both obviously stated their position and said, "Let's try to come to an agreement." I think that's what I meant when I was referring to statesmanship.

I guess I was old enough to really understand and appreciate the Victoria conference. I think it was about 1970.

MR. CHAIRMAN: Seventy-one. Twenty years ago.

MR. ENGELHARDT: Twenty years ago. It seemed so close then and in preceding years. I just think that when honest and honourable people get together, they can come up with a solution. We have to.

MR. CHAIRMAN: Yes.
Yolande, then Nancy.

MRS. GAGNON: Thank you. I'm going to ask this question for the first time in four days. During the last session I was accused of asking it every time, so I've been very careful – not by anyone here, by the way, but by somebody in the media.

You have mentioned strong central government. I'm wondering what you as a teacher think about education and who most appropriately establishes the authority in that jurisdiction. We're looking now at national indicators, national standards, but that is a product of some negotiation and sharing among the first ministers. Does that mean that the provinces should give up any jurisdiction? What is the best arrangement for the benefit of our students?

MR. ENGELHARDT: Well, it's interesting you should ask that. I completed all my course work this past summer on a master's degree in ed admin at San Diego State University. My American brothers down there have a very distinct opinion about that. They think it's best left at the local level and get you provincial guys out of it all together. I disagree. I think that in theory the best would be a federal approach. The problem with that is: how do you get a federal consensus on anything that isn't so watered down that it, in fact, in reality, in the classroom, to the student is almost meaningless? I personally am very happy with the way it works now. I don't think there would be anything wrong with a federal/provincial task force coming up with federal goals for education and then working co-operatively to implement those goals, whatever they are. If we want, you know, 90 percent graduation from grade 12, that's fine. I mean, there's nothing wrong with that as a national or a provincial goal, but I think it's best implemented at the provincial and then local levels.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much.
Nancy.

MS BETKOWSKI: My question was really on the same area. I believe that the quality of leadership is adding value to a consensus as opposed to just arriving at consensus. So I guess my question is on the same lines, and it's really: is a stronger central government that you view important in an area like education an either/or? Or is there a quality that is national as opposed to federal? I would argue that the provinces at their peril, if they don't come together to form some standards of national education, will lose a jurisdiction. They will be relinquishing that jurisdiction. I guess my question to you is: do you rule out the potential of, as opposed to a federal/provincial goal for education, provinces themselves coming together to form those goals of education and endorsing them on a national as opposed to a federal basis?

MR. ENGELHARDT: I think you're talking process. I think that's one way to do it. If we were going to go to a national standard of some kind in education, I see nothing wrong with the federal government sort of being the instigator; saying, "Hey, folks, let's get together and talk about this," and helping. I think too often in the past the federal government has dictated as opposed to simply facilitated.

You may be aware that our neighbour to the south, where they strongly believe in local control of education, more and more that's being taken from them by the state governments, and the President of the United States has more and more involved himself in education. I heard it expressed this summer that, in fact, what we should be aiming for ultimately, what is expected, is a world level of education. We have that in our own province with the international baccalaureate programs, which I'm proud to say Alberta does very well at on a worldwide level.

MS BETKOWSKI: Yes. Thank you.

MR. CHAIRMAN: That's very true. I'm glad you made that point, because sometimes we're given to self-flagellation on the educational side.

MR. ENGELHARDT: So when can I expect more money for my teachers? I should note I'm also the chief bargainer for Calgary public teachers.

MR. CHAIRMAN: Are you really? You'd know Terry Riley from Medicine Hat then.

MR. ENGELHARDT: Yes, sir.

MR. CHAIRMAN: He's the chief bargainer in Medicine Hat. You two would be a formidable pair.

MR. ENGELHARDT: Thank you.

MR. CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman.

Mr. Engelhardt, when you opened your remarks, you talked about this being the first time that you had really appeared and that the circumstances in Canada had encouraged you to do that. Could I get your comments or your perception of the system as a whole? We've had some presentations that say we should become more like the American system. We've had others that have suggested some modifications in terms of the party system being too tight, and free votes and so on. Do you have thoughts on the system overall?

MR. ENGELHARDT: Yes, I do. Don't anyone tell the Calgary board of education this. I thank God every day I work in Calgary. I think from a professional point of view our educational system is almost light-years ahead of the United States in most areas.

As to how we're governed, I very much like the way we are governed now. I like the concept of our Prime Minister and our Premiers being very much accountable on a daily basis to elected members of the different Legislatures. I would never want to see a presidential system in Canada. The previous speaker mentioned the monarchy, and some people on the committee asked some questions. I would agree that it's largely ceremonial, and it does in fact have some legal implications, as you're all aware as politicians, but I think it's one of the things that makes us distinct. One of the things I dread is that we seem to be drifting almost unconsciously more and more into the American sphere. I think one of the things I wanted to try and emphasize tonight is that I believe we have to emphasize our Canadianness, what makes us different, not to say that we're better or anything like that but to say, "This is what makes me a Canadian; this is what makes us different," as opposed to what tears us apart or even what makes us like someone else; for example, like the United States. I mean, we are very close in a lot of ways to the United States, and that's fine, but I don't ever want to be an American. I want to remain a Canadian for a whole bunch of reasons.

I hope my rambling answer helps you a little bit.

7:45

MR. ANDERSON: Yeah. Essentially you're happy with the electoral system the way it is, and you wouldn't suggest any serious modifications in the party system.

MR. ENGELHARDT: Well, the Senate in its present form has got to go. I think the Senate thinks it's got to go. I think Canadians overwhelmingly think it's got to go. Now, the idea of an equal, elected, and effective Senate is very appealing, but it's also very hard for places like Ontario and Quebec to give up their majority based on population. Our democratic history would say that they do have more people than we do. They should have a larger say. I think we can accommodate that in a Senate. My question, and it has never been fully answered for me, is: if you're going to have an equal Senate, for example, what powers will it have? Will it override the Commons?

MR. ANDERSON: I'd be glad to send you a copy of our report. I chaired the committee on Senate reform that suggested the triple E Senate to the Assembly and the details of that. In essence, it would have override in some areas but not in others. It would, by and large, in many be suspensive. However, it depends on the area. I'll be glad to send you a copy.

MR. ENGELHARDT: I would appreciate it. Thank you.

MR. CHAIRMAN: You've put your finger on the big problem all right: what is the effective E going to mean?

Well, thank you very much, Al, for your presentation.

MR. ENGELHARDT: Thank you, Mr. Chairman. I wish you well in your deliberations.

MR. CHAIRMAN: Don't make this the last time you do this.

MR. ENGELHARDT: Thank you.

MR. CHAIRMAN: Robert Oveson. Welcome.

MR. OVESON: Thank you, Mr. Chairman. Since the demise of the Meech Lake accord, there's been a public demand for public participation. The Spicer commission and these talks here are part of the result of that. In one of the round tables Dr. Bercuson stated that the effect of the Spicer report would be that people would want to see Canada together and this would be used as a mandate to attempt Meech two. This sounds very negative in terms of the effectiveness of any public participation. At the same time, after reading through the round tables and the reports, I think there's a possibility that the outcome of these might be that the people will think Alberta is getting short-changed and this means we need more power for the provincial governments. In either case I do not think this is what was intended by the public when they demanded participation.

Enough of the negative. I hope the rest will be positive from here on in. I think people wanted to be influential and effective; that is, they wanted the outcome to be different than if they didn't participate. I don't think I'm alone in thinking that decisions are made by people – interest groups, lobby groups – who have closest access to the political process, and once a decision is made, what results is an attempt to sell it to the public. The result is a hidden agenda, and I think the demand for public participation is an attempt to reduce, if not avoid entirely, the hidden agenda and play with all cards face up on the table.

I've viewed this problem as an exercise in information processing within a complex organization, our country. This is a fairly new field called computer-assisted communal work, but it's growing rapidly and I think it has an application here. I think to have effective participation, we need to use technology beyond what was available 1,000 years ago. With the exception of these microphones, this discussion could have been carried on a thousand or more years ago.

The primary requirement for effective participation is access to information. This means access not only to read this information but to contribute this information and be able to do so by getting by the problem of information overload. If it is necessary for a single individual to read and memorize every output, then that's asking too much; it's impossible. What you need is a structure where a person can find the information he is looking for that is relevant to his discussion and he can post information in such a way that people who need it can also access it. The computer is a tool we can achieve this objective with.

I'd like to expand on the idea of information as being more than just data – text, ideas, concepts, relationships between these things – and differentiate information from news. In effect, having an information base that is accessible to all is another form of mass media, mass media where the individual can select information that is relevant to him as opposed to having this selection made by the broadcaster.

A second requirement would be a dynamic structure where information can be added, replied to, counter-replied to, an ongoing type of structure that simulates discussion in face-to-face interaction. This will allow something to be clarified, so that if the intention of the participant seems to be misunderstood, it can be followed up and corrected. It also allows for more detail. In a text-based, on-paper type system it's necessary to have a closed document where you have to anticipate all possible objections, rebuttals, whatever ahead of time. As a result, the documents become unwieldy. As well, with a computer you can have forward referencing as well as backwards. In a text-based system you can reference your references, but you can't reference people who have used your references. This way people can follow up on what has happened to their input, who has replied to it, where the chains of information lead.

I would say that a third requirement for effective participation is co-ordinating and organizing individuals to serve as a team. It's a way of removing the necessity for each person to start from square one. You can see what other people have contributed. You can say: "Oh, I don't have to say that; it's already been said. I can add more detail." We can move towards going to action instead of just voicing an opinion. Associated with this would be a means of contacting the people so they can organize into teams. For example, in the Spicer commission there were references on this subject I'm talking about, but there were no names associated with them. There was no way I could contact these people and say, "Hey, let's get together and split up the work and present a meaningful and serious proposal."

7:55

To achieve these objectives, I have the triple m-e, which isn't Meech one, two, and three, but mechanism, method, and message. By mechanism I mean the hardware and the software, the programs that will allow you to use this, the modem connections so that people can connect from their own computers at home, possibly some form of electronic mail in addition so people can co-ordinate on a medisystem above the output sort of thing. The simplest form of this is public bulletin boards; they're in existence now. I think that would be a good start. In addition to that, I think we need to add data processing on top: key words, being able to identify what the message is. Is it support for a point? Is it a rebuttal? Is it a question? Is it a comment? Is it an objective? Is it an alternative? It's a way to structure it so the information can be put into a format that all kind of start to recognize and become familiar with.

By method I'm talking about how to use the system: how people talk in a group, input their information; how they go to this information base to get other information; the techniques that interface between the computer side of it and the human side. How people are brought into this; people that are willing to bring on new people and say, "Yeah, I can show you how to get on the system and use it"; how the more experienced can teach the less experienced: it's a kind of grass-roots type of approach, I guess.

The message is, one, that the output maybe would be the Constitution itself, at least the backup material that goes into deciding how the Constitution is formulated. As well, there will be messages on how the process itself worked so that this possibly can be used on an ongoing basis for certain issues. It will create a common environment so people can see where this might lead to. It also is a technology that possibly could be used by businesses. Surely if it's feasible for an organization as complex as Canada, it will have merit in something as complex as an organization.

This would be a developing technology that is vital for the information age, and I can see these as being side benefits as well as providing a base of information. An evolving process, as we use it, we'll determine what we need to make it work, and once we define a problem, we can go about seeking a solution. From method we'll specify the requirements for mechanism.

I'll conclude by saying that of the 400,000 people that contributed to the Spicer commission, I'm sure this proposal has already been presented numerous times. I would like to request that the people who have made this proposal be introduced so that as a group they can prepare a more detailed proposal, a prototype, so the concept can be communicated by demonstration.

Thank you.

MR. CHAIRMAN: Thank you very much, Robert.
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Oveson, when it comes to computers I'm back in the paper and pen age. I'm sort of an illiterate, I think, when it comes to computers. But if I understand what you've taken the time to explain to us this evening, it sounds to me like you're describing an electronic constituent assembly.

MR. OVESON: Exactly.

MR. HAWKESWORTH: And it would be open to any Canadian who has a computer and wants to tap in. Is that the way it would work?

MR. OVESON: Yes. In a more detailed proposal I would go about explaining some of the problems with this, like security. You cannot assume that everybody has the objective of making this work. There will be some people that have the objective of disorganizing the information. How do you check that information is correct? All of these things are part of method which will quickly be realized, and as they're realized on a small scale, they can be identified and dealt with manually with the head. But observing the process of how this is done manually will lead to insights into how it can be automated to some extent when the information base gets complex to the point where it is not retainable in a single mind. This is why I think it's necessary to have a detailed proposal, to show that, yes, these things have been thought about. There hasn't been time to go into them, but thank you.

MR. HAWKESWORTH: Okay. Thank you.

MR. CHAIRMAN: Thank you very much, Robert. You may be 20 years ahead of your time in the sense of waiting until the next generation comes along, like my kids, for example. But in any event, it's a very thoughtful suggestion.

MR. OVESON: Okay. Would it be possible to be put in contact with other people that have made this proposal?

MR. CHAIRMAN: We have researchers who are going through what we have received, and we'll see if we can get you some information in that respect.

MR. OVESON: Okay. Yes. Thank you.

MR. CHAIRMAN: Thank you.
Glenn Carlsen. We're pleased you could join us this evening.

MR. CARLSEN: I appreciate you rescheduling me for a second go at this. I ended up in McDougall and 6th Street in the northeast the last time.

MR. CHAIRMAN: Sorry about that. Well, you're here now.

MR. CARLSEN: That's all right.

What I wanted to focus on was mainly a few suggestions for the Constitution. The main thing I see happening in this country is that our freedoms are being taken away from us. They're being taken away on a very gradual basis and have been for a number of years now. In our national anthem we have "true north strong and free." I don't think there are many people who can say "free" in their national anthem any more and really mean it. I would like to see freedom of speech enshrined in our Constitution.

When you take a look at what's happening in the country right now with Quebec wanting a separate deal, it really amounts to a separate set of rules to run one part of the country and a separate set of rules to run the other part of the country. I don't believe you can have a country and have two separate sets of rules. I think there's a fundamental breach of freedom of speech when you're not allowed to put an English sign up if you so desire, or a Chinese sign or whatever. I think that's a very serious question that has to be answered by the politicians and us as people. I think we have to decide what's going to constitute Canada and being part of Canada.

It's been a long time since I've spoken in front of a lot of people like this.

When I take a look at specifically what's happening in Quebec, I almost see a form of racism developing there. You've got guys that I've seen on the news – and I know the media plays things up – where you've got people running around telling on people for having an English sign outside their place of business. I happen to run a business, and I can't even imagine that if I wanted to put that sign up in Chinese, I could put that sign up in Chinese and somebody's going to come and dib me in for having that sign up in a different language than what they say is correct. I think that goes against Canada.

8:05

The way that I look at the Constitution is that it's a set of rules that are going to be set up so that we can live our lives in harmony with one another and afford each other the freedoms that allow us to live our lives to the fullest. With that in mind I think the Constitution should be set up to give us the maximum amount of rights and freedoms so we can pursue our lives as we see fit, not as somebody else sees fit. The way I look at setting up a Constitution, I think you could look at pretty well most laws in the land and apply it. It would be that you have freedom to do as you please as long as it does not infringe on the freedom of another individual to do as he pleases. I think you can apply that to the environment; you can apply that to all different forms of law. I think there's probably a lot of fine-tuning that's going to have to go in, and that is the job of the law systems, to take those and answer all those questions in each individual case, whether it be environment, whether it be a law pertaining to taxation, whatever. I mean, if I had my way, I'd have all taxes taken out, but I don't see that as happening in my future.

I think that if I take a look at the future and if I take a look at what's happening in our world around us, if we take a look at the Soviet Union, that is the ultimate end of the direction that we are taking as a country right now. If we take a look, in the last 20 years we've gone up 20 percent in taxes from supposedly around 30 percent to close to 50 percent now. The ultimate end of the direction that we're taking is the Soviet Union: 80, 90, whatever percent of tax they pay over there, or whatever money they give their people to live their lives. I think you're seeing the ultimate end of that type of government.

I think that government must not be allowed to run companies in the marketplace. I think that the marketplace can take care of running the companies. That applies to Canada Post and many other corporations that are out there. It scares me to think that a person can't come in and set up another post office if he likes. There's something limiting the amount of money you can spend to send mail out. Private enterprise, I'm sure, can take care of a lot of those different things.

I think that government should not be allowed to take money from Canadians for special interest groups; i.e., multiculturalism, the whole gamut. We always hear when the Auditor General, who's supposedly checking on government and where the spending is going, says that our money's being spent on studying the eating habits of people in Greece 3,000 years ago. When I hear that sort of thing, that's just government mismanagement, in my opinion. I just can't believe it when I hear it; it's just like, who okays this stuff, you know? Who okays this stuff?

Government's got to really take a serious look at protecting our rights and freedoms, and that's what I want to see in the Constitution. I unloaded a truckload of equipment this morning, and I mentioned to the driver that I was coming down here to talk, and he says, "Go down there and tell them that I want more of my money in my pocket," and that's essentially what I'm saying here. I think that many people I've met in my store – and I've got into conversation about that – want to see their money back in their pocketbooks, and there's got to be something limiting where government can go. The people that are in government should be acting to protect our rights and freedoms, not take them away from us.

When we look at Mr. Mulroney and the direction that he's taking us down and many governments before him – it doesn't seem to matter who is in power – it just seems that they come back to us with, "I want more money; I want more money." I look at my three kids, and I say to myself, "What are they going to have in another 20 years when they're in the marketplace?" I mean, I'm up to 50 percent in taxation. If we go to this, we're going to be at 70 percent if we follow the line that's going now. I'm scared, and I think there's a lot of Canadians that are out there that are scared. When I start hearing people in our culture saying we're going to start fighting armed fights and stuff like that, that's scary. In a country that is supposedly standing for freedom – we have it in our national anthem. So if we have it in our national anthem, let's have it in our Constitution. That's what I want to see.

MR. CHAIRMAN: Thank you very much, Glenn. Well, the motto of Alberta is "strong and free," "fortis et liber" in Latin, and you're right; it's tough keeping it that way.

Yolande.

MRS. GAGNON: Yes, thank you. As someone who believes strongly in private enterprise, do you see any role for government – for instance, in the postal service in the remote areas – where it would not be profitable for a . . .

MR. CARLSEN: I disagree. I think in areas like that the marketplace will still take care of that, and my question goes back to that they have chosen to live in that area. They choose to have the hardships of living in that area. There's nobody that is holding a gun to their heads and saying, "You must live out on the farm."

MRS. GAGNON: But what if we're trying to promote regional development and we're trying to establish settlements for up north or whatever? It may be human engineering.

MR. CARLSEN: Why should you play God? Why not let us decide whether we want to live up north or we want to be here or what we want to do? Let's take a look at sports. We've got all this money going to people like Ben Johnson, the whole gamut, who are way up here at the top of the pyramid, okay? Well, I want the money for my kids. Why should I have to foot that bill for that sort of thing? Why should I have to foot the bill for multiculturalism? I'm either of French or English descent. I keep what my background is in my own family. When I decided to be part of Canada – and my parents came over from Europe. When they came here, they adopted the ways of Canada and they spoke the language that was here in Canada. You have to have a language of trade and commerce, and outside of that the rest is in the home. You know, all these special interests – I know a lot of the things that government has done have been done with good intent, and I'm not going around saying, "Jeez, these people are malicious people," but they don't see the ultimate end of the direction they're taking. They say: "Well, we'll take a little bit of money away for this thing. Well, jeez, we've got another great idea here; we'll take a little bit more money away to run a post office. Well, why don't we run an airline?" It goes on and on and on. Where does it stop? Before we know it, we've got some people up in government playing God over the rest of us, and I don't want that. I want to make the decisions for my own life.

MRS. GAGNON: Thank you. You don't believe in a mixed economy, I gather.

MR. CARLSEN: No, I don't.

MRS. GAGNON: That's the understatement of the year.

MR. CHAIRMAN: Well, thank you very much. On the post office, interestingly enough, in 1867 the Fathers of Confederation actually put it into the Constitution that the federal government is responsible for postal service.

MR. CARLSEN: UPS does a great job federally. There's a whole slew of them out there. I deal with them every day, and they're great.

MR. CHAIRMAN: The only reason I mentioned that is that that's a constitutional responsibility of the federal government.

MR. CARLSEN: But I thought we were talking about a new Constitution here. This is the birth of a new Canada.

MR. CHAIRMAN: I know. I'm just saying that people come to me and say, well, the federal government should have more responsibility in, say, the field of education or whatever. I've often said jokingly, "Well, when they can defend the country and deliver the mail and look after the Indians, which is also their responsibility, then maybe I'll talk to them about doing some other things."

MR. CARLSEN: I think as far as government's concerned, the way I see it is they have to be in charge of protecting our country; that is a given. You have to be able to protect your freedom, so you have to have that. You have to be able to police and have a judicial system there. In business there are many other ways of raising money than taxation. If I make a deal with another businessman, there are ways we pay for that system to work. If we want that protection between one another, contractual protection, we are prepared to pay for that. I'm prepared to pay for that. I think it goes all the way up the ladder. You pay for what you get. Sure, there are hardship cases. You've got a Lottery Fund going there that's making a ton of dough; put it to the charitable cases. I think that's a much better place to put it.

8:15

MR. CHAIRMAN: I think Barrie Chivers has a question for you.

MR. CHIVERS: Well, I was just going to make a semifacetious comment. I don't think Glenn was speaking in favour of seeing more powers to the province and the provincial governments either.

MR. CARLSEN: You know, obviously they're going to have to deal with regional issues. I think there is so much bureaucracy out there. When I go to have something cleared through customs from the U.S., one guy comes and picks up the paper, one lady takes the paper and then she folds it up and takes it back to the next person, they take it to the next one, and the next one takes it over to the cashier. It would be much more effective to receive it, that guy checks it all off and gives it to the cashier, and then I pay. There are two levels there that we've just cut out.

MR. CHIVERS: I think Mr. Horsman was just going to point out that that was a federal responsibility.

MR. CARLSEN: But we are talking about the Constitution here, are we not, and what our two bits is for the federal Constitution, right?

MR. CHAIRMAN: They're on strike right now. Anyway, Glenn, what business are you in?

MR. CARLSEN: I sell fitness equipment, by the way.

MR. CHAIRMAN: Do you? You sound like you'd be an honest man to do business with. Thank you very much for coming forward.

MR. CARLSEN: Thank you.

MR. CHAIRMAN: Thanks.
Doug Caswell. Welcome.

MR. CASWELL: Good evening, Mr. Chairman and members of the committee. My name is Doug Caswell, and I'm here to share with you my personal thoughts on Alberta's place in a new Canada and related issues. I am pleased to have the opportunity to express my thoughts in a forum such as this on an issue that is facing our nation. I hope that this process is successful in identifying an Alberta position that most Alberta citizens can buy into and support. My roots in this country are very deep, as my family first came to Canada in 1817 to Lanark county, Ontario. This makes me a sixth generation Canadian, born in southern Manitoba, 20 years in Alberta. I've spent my whole life on the prairies.

I have a feeling for the frustration expressed by so many western Canadians in regards to the west being an insignificant factor in the political makeup of this nation. These frustrations will be present until we are successful in achieving the implementation of a full and complete triple E Senate. A partial move towards this will only prolong the debate and the frustration. Until we are able to successfully sell the concept of a triple E Senate to the eastern political establishment, who fear they would be handing over a large portion of their power, we will be held in the role of political hinterland for eastern Canada.

Nothing short of a triple E can be accepted to ensure that no one region of the country has total control of the country's agenda through political control of the House of Commons. Every province has its own special and distinct flavour to bring to the nation, and every province should have an equal opportunity to have its issues fully debated in the national assembly. Each province should also know that its interests are being carefully monitored and put forward in a consistent manner and not in the confrontation politics that the Commons operates under. This need can be met through the restructuring of the Senate into an effective, elected, and equal Senate that could operate as an equalizer of the regions and provinces, allowing issues to be resolved in a manner that would be truly in the best interest of the nation rather than the region or the province that holds the political clout.

The best way to build a strong wall is with sturdy bricks and well-mixed mortar. Canada, the wall, needs the provinces to be strong and held together by common policies on those things that require national uniformity, such as foreign policy, economic links, transportation, justice, et cetera. Each province should manage those services which are aimed at maintaining and improving the lives of its citizens, such as health and education, social services, and so on. The provinces should collect their own taxes and maintain the basic social structure of the province. The provinces must have control over natural resources and the environment.

Bilingualism was a great experiment that failed. In fact, it could be said that the program caused many more problems than it solved. People that had no ill will towards other Canadians learned to dislike an entire segment of our population and had that reinforced every morning at the breakfast table when the cereal box was turned the wrong way. The bilingualism program must be scaled back to apply only as required both inside and outside of Quebec. Quebec should maintain French as the official language, and English should be the official language in the rest of the provinces, unless designated by the province or region.

The issue of constitutional amendments must be settled based on unanimity, with no veto being given to any province. If all provinces cannot come to an agreement on a constitutional change, that change must be flawed and needs more work.

The aboriginal rights issue must be addressed. Aboriginals deserve the right to self-government, but by giving them self-government, we cannot allow the creation of another set of problems for future Canadians to be set in place. The concept of a nation within a nation cannot work. What could possibly be looked at is aboriginal seats in all Legislatures, the Commons, and the triple E Senate.

Albertans have seen what can happen to a province when those in power are from other parts of the country and they feel they have every right to damage one part of the country to the benefit of others, their power base; i.e., the national energy program. We must be very convincing in our arguments and discussions with the rest of this great country that the best for all is that the provinces be allowed to be strong and equal.

I am a proud Canadian and a proud Albertan, but neither would mean as much if Quebec or any other province or region were to leave our Confederation. We cannot allow this country to break apart over something as simple as defining what "distinct society" means. We cannot allow one part of the country to hold the rest of the nation hostage to the never ending threat of ending a long and very successful alliance that is the envy of the world. I understand that tomorrow you will be hearing from a gentleman from Quebec who will be trying to show you that there will be benefits to both Quebec and Canada if Quebec were to separate. I am sure he'll be very eloquent and have statistics to dazzle you, but what he cannot forget is the history of this country that has worked so well together for 125 years. We as Albertans and Canadians must counter this type of thinking as often as we can and show the people of Quebec that we do want them as part of Canada, that we are not the redneck, anti-French, anti-Quebec bigots that some of the press and politicals portray us as.

This is a beautiful and great land in which we live; just ask any recent immigrant. Those of us who have not experienced life elsewhere take so much for granted. Patriotism is frowned upon and flag-wavers are shunned, but we must work to turn this around and make people proud to be Canadians and keep this country together.

MR CHAIRMAN: Thank you very much, Doug, for your comprehensive presentation.

Are there questions or comments?

Thank you.

MR. CASWELL: Thank you.

MR. CHAIRMAN: Don Watt.

DR. WATT: Mr. Chairman and members of the committee, the Calgary-Egmont PC Association has some very definite views regarding areas of constitutional reform which are important to our province. It seems more and more unlikely that the Constitution in its present form will survive or changes in the present Constitution will result. We can't say at this stage that Canada as we know it today will persist, but it is our hope that our geographical Canada, from sea to shining sea, will prevail. The geographic continuity of our country, the economic bloc which we call Canada, is important to us, to our economic progress as a nation, to our stature in international affairs, and to our sense of historical continuity as a country originating from two principle founding nations. Canada as a geographic and economic entity must continue. Ways and means to achieve this must be found but not at any price.

8:25

Senate reform. It is acknowledged that the Senate of Canada is archaic. It is not particularly democratic and as a Chamber of sober second thought has outlived its original intention. We in Calgary-Egmont firmly believe in the triple E Senate concept which has its origins in and was developed by grass-roots Albertans. We in Alberta sent the first democratically elected Senator to Ottawa. We are convinced that Senate reform is needed and that equal representation of the provinces must be achieved in any new Constitution.

As far as the amending formula is concerned, the guiding principle in the present discussions must be that all provinces are equal and should remain so under any new or amended Constitution. Recently the Edwards-Beaudoin report suggested that there might be a relegation of certain provinces such as Alberta to a second- or even third-class standing within Confederation. The existing constitutional amendment formula requires approval of at least seven provincial Assemblies representing at least 50 percent of Canada's total population. In addition, the existing amending formula gives provinces the right to opt out of any amendment that takes away from legislative powers, proprietary rights, or any other rights and privileges they presently hold. This existing formula was established under the guiding principle that all provinces are in fact equal, and we wish it to remain that way.

Centralization and jurisdictional issues. The NDP and the Liberal Party do advocate centralization and control within the national government regarding matters including education and the environment. They argue that this is necessary to ensure that national standards are obtained across Canada. On the other hand, we believe that reasonable national standards can be achieved through joint consultation between the provinces and the federal government without unnecessarily compromising the historical rights of the provinces.

Education. Historically Canada's founding fathers determined that provincial control over education allowed for greater sensitivity in reflecting local needs, values, economics, histories, and cultures. We believe this founding premise is just as valid today as it was then. There are potential difficulties in allowing the federal government to impose national education standards when such standards may not adequately reflect differences between various regions and areas within Canada. This is what our founding fathers figured.

As far as the environment is concerned, this area is not at the present time specifically referred to in any section of the existing Constitution that I'm aware of. Responsibility for and control over the environment has not been assigned to either the federal or provincial levels of government. We think that this is an important area to resolve jurisdictionally and that environmental concerns impact directly upon the realm of natural resources, an area clearly and unquestionably under provincial responsibility.

Our association thanks the constitutional special committee for their forbearance in listening to our submission regarding these rather key areas of any new Constitution, with the hope that the result of your and our deliberations will result in a renewed and stronger Canada.

Thank you.

MR. CHAIRMAN: Thank you very much, Dr. Watt.

Any comments or questions? Yes, Yolande.

MRS. GAGNON: Thank you.

When you indicate that all provinces are equal, do you really mean that they must be the same?

DR. WATT: Equal.

MRS. GAGNON: Equal. Not the same.

DR. WATT: Equal representation. Not the same, no. They can be as different as they like, but they have to be equal as far as the numbers of Senate appointments, for instance.

MRS. GAGNON: Okay. It seems to me it's very good that you clarify that, because in quite a few presentations we've had, I assumed – and maybe I should have had it clarified – that many people really meant the same, not just equal. So thank you for that.

I'd just like to clarify something about the Liberal policy on education. We're not talking about federal control. We believe in local control. I think there's too much centralization in Alberta, as a matter of fact, but we do believe in minimum standards established federally.

Thank you.

DR. WATT: I'm glad to hear that you also believe in decentralization of powers. That's good.

MR. CHAIRMAN: Any other questions or comments? Yes, Barrie.

MR. CHIVERS: I just wanted to ask you, Don, a bit about this idea of establishing national standards through consensus or agreement amongst the provincial jurisdictions. Doesn't that drive you to a lowest common denominator type of standard? Isn't that the result of that process?

DR. WATT: If you have national standards? I would hope that each province would maintain good standards, and Alberta has a record of maintaining good standards in almost everything it does, so I would have no fears as far as this province is concerned certainly.

MR. CHIVERS: Maybe you misunderstood me. You spoke of establishing national standards through agreement amongst the provincial jurisdictions.

DR. WATT: Yes.

MR. CHIVERS: My question is: if you're going to establish national standards in that fashion, doesn't that mean that of necessity the standards that will be established will be the lowest common denominator; that is, the standard that is acceptable to the most recalcitrant province?

DR. WATT: Obviously yes; that would have to be the case for unanimous agreement on any national standard. You'd have to make sure that that standard was an adequate standard in whatever field it was involved in.

MR. CHIVERS: But if we're leaving it to an agreement, a consensus, it obviously has to be the lowest standard.

DR. WATT: But remember you're talking about negotiations between the provinces and the national government. Now, as happens today, if any province cannot maintain a certain standard in any area like in health, then the federal government and all the provinces have to chip in to that. So it doesn't mean a low standard; it means that it'll be a national standard but not necessarily a low standard.

MR. CHIVERS: I think I'll leave it at that, but I find difficulty in accepting that proposition.

MR. CHAIRMAN: Okay.

Well, thank you very much for your presentation this evening.

We have one more presenter, who is scheduled for 8:45. She has not yet arrived, and since we have a few minutes, I think most of us would like to stretch and actually take that coffee break which is scheduled in our agenda.

MS BETKOWSKI: For the first time.

MR. CHAIRMAN: I think it's the first time, yes.

[The committee adjourned at 8:32 p.m. Having waited until approximately 8:55 p.m. and there being no more presenters, the committee did not reconvene]

9:05 a.m. **Friday, September 13, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, if we could call the committee into session, we will do so now. This is the last day of the current week of public hearings. One more will be undertaken commencing the week of September 23. We'll be back in Calgary with different members of the panel at that time and different panelists. That will conclude the list that we have of people waiting to give us their views in Calgary.

Just quickly, for those of you who aren't aware, I'm Jim Horsman, MLA for Medicine Hat, chairman of the committee. I'll just ask my colleagues to introduce themselves quickly.

MR. HAWKESWORTH: Bob Hawkesworth, MLA for Calgary-Mountain View.

MR. CHIVERS: Barrie Chivers, MLA, Edmonton-Strathcona.

MRS. GAGNON: Yolande Gagnon, MLA, Calgary-McKnight.

MS BETKOWSKI: Nancy Betkowski, MLA, Edmonton-Glenora.

MR. BRADLEY: Fred Bradley, MLA, Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA, Innisfail.

MR. CHAIRMAN: I'll ask Kelley Charlebois to come forward, please, and give us his views.

Good morning. Welcome.

MR. CHARLEBOIS: Thank you.

MR. CHAIRMAN: Feel very informal and relaxed as you give your presentation.

MR. CHARLEBOIS: Okay. I'll do my best.

Good morning, Mr. Chairman, hon. ministers, MLAs, and fellow Canadian citizens. I'd like to begin this morning by expressing my gratitude to this committee for the amount of time you have all committed as well as the flexibility in scheduling these hearings that you have pursued. I was a bit anxious when I was unable to address your last session here in Calgary but was quickly relieved when I was informed that you were returning, and I am very pleased to be here today.

I think we will all agree that Canada is a unique nation. Our size, diversity, and low population mean that there is truly no other nation which we can use as an authoritative role model. For this reason the ideas and suggestions of Canadians, the grass roots, are so important to all governments. Today I intend to address a number of specific concerns that the Alberta government has highlighted over the past months. Thus I will deal only with the constitutional issues and avoid areas such as bilingualism and multiculturalism.

I'd like to begin by discussing my views on various jurisdictional issues, beginning with immigration, which in my opinion will be one of the most important issues in Canada over the next 20 to 30 years. Myself and, I believe, my generation are quickly becoming more and more aware of the aging Canadian population. I have heard an estimate that by the year 2020 Canada will have only 1.7 persons in the work force for every person over the age of 65 and retired. This situation is absolutely unacceptable when we further consider the ramifications on both the work force and the economy of trying to pay for medical services and pensions for such a poorly proportioned society. Certainly immigration is the best hope of alleviating the strain.

My concern is, therefore, the limits on immigrants to Canada and who shall decide. Initially, I felt the federal Canadian government should decide who does or does not become a Canadian. On the surface this seems to make sense. But who recognizes the needs of Albertans best if not the government of Alberta? I believe the federal government should be responsible for the minimum quota of immigrants, with each province being responsible for a percentage of the quota relative to their percentage of Canadian citizens. Beyond this minimum each province would be able to allow any and all immigrants they desire for their province so long as their province could afford to do so.

Thus, for example, if Canada were to decide that in 1992 we should allow a minimum of 250,000 immigrants into Canada, Alberta, with approximately 10 percent of the nation's population, would be called upon to take 25,000 immigrants. If the provincial government decided they specifically needed 400 bakers, 300 candlestick makers, and one more lawyer as part of their quota, they could pursue those individuals and grant them immigrant status. This formula would allow us to fulfill our obligations as Canadians without hindering either the strengthening or the diversifying of our economy. This easily leads to my next area of comment, mainly international trade.

I strongly believe that the federal government should be responsible for many basics in international trade. The federal government should decide whether free trade agreements with Mexico, for example, are good for Canada or not. If it is decided, for example, not to pursue a free trade agreement, then individual provinces must be allowed to organize freer trade deals with any desired trading partner. Naturally, the ultimate authority for who Canadians trade with and which products are exportable to which nations must lie with the federal government. They must retain the real ability to implement a boycott of any nation to further our own international policies. Trade between provinces would be wholly outside the power of the federal government and should lie exclusively with the 10 provinces and two territories.

Transfer payments and various other fiscal relationships have continued to be reduced by an already overburdened federal government. Education, health care, postsecondary education, and social services must all be retained under the direct control of the provinces. The federal government should wherever feasible reduce taxes for these services and allow the provinces to tax directly. I'm in no way suggesting that we shirk our responsibilities to aid in balancing the natural inequity over the 10 provinces and two territories but rather attempt wherever possible to put the powers of taxation closest to the level of government spending the funds. Transfer of payments should not be eliminated. This would mean that the provinces would implement and monitor the day-to-day operations, while the federal government was responsible for minimum standards.

The environment is undoubtedly the most important issue of jurisdiction. I, like yourselves, find it insulting to see the federal government holding environmental reviews on projects either completed or nearly completed. As stewards of the land we all as individuals have the responsibility to protect and maintain the environment of tomorrow. While this does not exclude potential development and utilization of our environment, it does demand that we tread very cautiously: measure twice and cut once, as it were. Again I suggest that we maintain strong national standards but leave the actual assessments and day-to-day operations of the environment to the provinces. It is my firm belief that I should be able to travel anywhere in Canada and still enjoy the pristine natural beauty that we are fortunate to have here in Alberta. The environment to me represents the one issue that knows no borders. We must bear in mind that any decisions today will undoubtedly affect the world of tomorrow.

I'd like now to turn from issues to institutions. I'd like to very firmly declare my support and approval and hope for the continuation of the system of first ministers' conferences. When I cast my vote for a provincial or federal candidate, I fully and freely accept that I am also voting to allow their party to represent me in regards to any constitutional decisions. I greatly appreciate being heard today, but I accept that in the end it is the current Alberta government which will decide what is best for Alberta within Canada, just as the federal government will decide from their viewpoint what is best for Canada. I guess if I don't like it, the next time around I'll be voting differently.

The Supreme Court is a perplexing problem, and the solution, in my opinion, is either the status quo or there has to be a very radical change. I will not support any one province being entitled to appoint any single justice unless all provinces are given that right. On the other hand, there are legitimate concerns about only the federal government appointing justices. The only solution I can come up with is an election of these positions, perhaps for life, whenever a vacancy would arise.

The Senate to me is only one more level of unnecessary government. I fully accept that the possibility of a two E Senate is out there, being elected and effective, but I realistically realize that Ontario and Quebec, holding the majority of people, will probably never want to give up the power they hold. I do not have a big problem with that. If the majority of Canadians choose to live in Ontario and Quebec, then I'm afraid that's where the majority of the votes should be. My only statement on the Senate is that I hope we would abolish it.

Lastly, but certainly not of the least importance, is the entire idea of an amending formula. I understand the current system, seven out of 10 provinces with 50 percent of the population and the federal Parliament, makes a lot of sense regarding ability to amend the Constitution, but I keep remembering hearing a very stirring speech on Meech Lake when it was basically said that you do not build a nation by ramming constitutional changes down anyone's throat.

With this in mind I accept that if the Clyde Wells of the world could not in good conscience sign the Meech Lake accord, then it should have failed as it did, although I supported it. With this in mind I believe we should pursue the policy of ensuring that all 10 provinces as well as the federal Parliament must approve any and all changes to the Constitution. This would not make future changes very easy, but it would ensure that all provinces are both equal and empowered with a veto.

Thank you very much for your time today.

9:15

MR. CHAIRMAN: Thank you very much, Kelley. You've given us a pretty comprehensive overview of most of the aspects of the constitutional dilemma we're facing.

Are there questions or comments from members? Yes. Barrie, and Yolande.

MR. CHIVERS: I wonder, Kelley, if you could just clarify for me your suggestion with respect to constitutional amendment in this round. Were you suggesting that the amending formula would be effective in this round and that future constitutional amendments would require unanimity?

MR. CHARLEBOIS: Understanding that as the Constitution stands now, it would be the 7 out of 10, I personally would prefer to see, however, that it be 10 out of 10 with the federal Parliament.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Next, Yolande.

MRS. GAGNON: Thank you. You gave us a very reasonable approach to things. I'd like to ask you to clarify something. You said that the environment knows no borders; however, you did say that you found it upsetting that the federal government would try and interfere in provincial projects already under way. I wonder if you could clarify that? Unless I didn't hear correctly.

MR. CHARLEBOIS: Sorry. It may have been a bit confusing. By "no borders" I meant specifically internationally. I believe that the federal government has responsibility in setting minimum standards. Rather than dealing with the specific issues like the Rafferty-Alameda dams, they should put down a program saying whether or not dams are allowed or in what situations they would or would not be allowed, and then the provincial government of Saskatchewan should be responsible for the environmental impact assessment and decide whether or not they should go ahead.

MRS. GAGNON: What if a province is thought to be breaching these standards? Then would the federal government have a role?

MR. CHARLEBOIS: Yes, I would imagine they would have to. I have more faith than that, I guess. Sorry.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Just let me ask a supplementary. I may be wrong. What you're suggesting is that there really only be one environmental impact assessment, not a duplication of the federal government doing it and the province. Is that correct?

MR. CHARLEBOIS: Yes.

MR. CHAIRMAN: All right.

Other questions or comments?

The abolition of the Senate: let me just pursue that a little bit. You've looked at the triple E concept. Do you support it if it were possible to achieve?

MR. CHARLEBOIS: No.

MR. CHAIRMAN: You wouldn't support it even if it were possible to achieve.

MR. CHARLEBOIS: That's correct. I find Canada too diverse a nation to accept that the province of Alberta or the province of Prince Edward Island in the federal day-to-day operations should have an equal say. I accept wholeheartedly that the tradition of the English Parliament is that for every certain number of constituents, you're entitled to one representative, and I don't have a problem with that.

MR. CHAIRMAN: Okay. Well, thank you very much, then, for clarifying that for me, and thank you for coming forward.

I don't believe Jim Eckford is here yet, but Darren Esayenko is here, I understand. So we'll ask him if he would come forward a little earlier than anticipated and give us his views.

Garry's going to find him for us.

Good morning, Darren. Your last name is Esayenko?

MR. ESAYENKO: Yes.

MR. CHAIRMAN: Thank you for coming a little earlier than anticipated, but we'd certainly appreciate it if you'd proceed. Welcome to our panel hearing.

MR. ESAYENKO: Thanks. To start with, I'm 26 years old. I'm a native Albertan in that I was born in Calgary and I've lived in this province all my life. I currently am employed as a labourer with Canadian Western Natural Gas.

I'd like to first of all take this opportunity to thank the Alberta government for taking the initiative to hold these constitutional meetings. I believe this is a very good start at a format which could be used to create a new Canadian Constitution, one that would allow the citizens of this province and those of the rest of Canada their fair share of input in this matter.

If a country is to call itself a true democracy, it must involve all of its citizens of legal age and of sound mind in its decision-making. In keeping with this principle our Constitution should include a provision guaranteeing our citizens the right to referendum, initiative, and recall. Indeed, the power of a government in a democratic country should always ultimately rest in the hands of its law-abiding citizens. Listen to the words of Thomas Jefferson, one of the Founding Fathers of the United States Constitution. He said:

> I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

I believe the road to a new and lasting Canadian Constitution should begin with a constituent assembly, where every constituency sends elected delegates to a constitutional convention not with the purpose of representing political parties, ideologies, or pressure groups but with the views and wishes of the majority of the people in their constituencies. In turn, the final draft of the Constitution should be submitted to the electorate for final approval through referendum both provincially and federally. This, I believe, would be the acceptable format to the majority of Canadians.

The new Constitution should include, I believe, the following as its basic structure: one, a bill of individual rights outlining personal rights and freedoms; two, a section clearly outlining the division of governmental powers and responsibilities; three, a binding formula for making amendments; and four, a system of checks and balances to prevent a governing body or person from becoming abusive and oppressive with its power. I believe this should also include a triple E Senate.

I would also like to focus on one amendment to our Bill of Rights that I would like to see incorporated into our Constitution which I believe is long overdue, and that is the right to keep and bear arms. I believe that every law-abiding Canadian who is of sound mind and legal age should be guaranteed the right to own, use, store, and carry firearms for whatever legitimate purpose they so choose. Legitimate use or purpose would be as follows: one, to protect life, be it one's own or that of another person, from (a) any violent criminal aggression, (b) government tyranny or oppression, be it foreign or domestic.

James Madison, another of the Founding Fathers of the U.S. Constitution, said in the *Federalist* papers that Americans need never fear their government because of the advantage of being armed, which Americans possess over the people of almost every other nation. Again, Thomas Jefferson said that the strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government.

It's also interesting to note these two facts. One, the state of Oregon has recently legalized the carrying of concealed firearms by its citizens, and since that time violent crime has decreased there by 24 percent. Two, in countries where communist revolutions have been successful, the general populations have almost always been disarmed beforehand. Generally, only about 3 to 10 percent of the population support the communism in these countries to begin with. One wonders how different China might be today if its citizens had been allowed to possess personal arms.

Other legitimate reasons for guaranteed gun ownership should include: (a) collecting or private collections, including any sort of militaria, old west nostalgia, sporting arms, et cetera, and this should also cover ammunition and related tools or accessories; (b) for hunting, trapping, pest control, including hunting of both game and nongame animals; and (c) target sports and shooting games, both formal and informal. As you realize, Canadians have had a long-standing tradition of partaking in these types of recreation, and all of this, of course, is in keeping with the principle of the pursuit of life, liberty, and happiness in a free society.

9:25

Finally, I believe an amendment such as this should be integrated into a new Canadian defence system, a system where every able-bodied, law-abiding male citizen of good health and sound mind between the ages of 18 and 40 is required to possess in his home the latest Canadian service rifle and accompanying ammunition. This, of course, should be coupled with suitable military training and exercise and regular target practice. This, incidentally, is the same model used by the Swiss and Israeli democracies.

In conclusion, I sincerely hope that this or any future Alberta government will take these meetings very seriously and use the information gathered at these meetings to honestly and impartially represent the citizens of Alberta in any future talks on our Constitution. I would like to leave you with this thought: any government that does not trust its law-abiding citizens with possession of private arms cannot itself be trusted.

Thank you very much. That's all I have to say.

MR. CHAIRMAN: Thank you, Darren. Well, I hope you'd engage in some dialogue with members of the select committee. We appreciate you coming forward and giving us your views. We've heard a number of representations on the constituent assembly idea, and you indicated that this group of newly elected political decision-makers should be nominated from each constituency. Were you talking about each federal constituency?

MR. ESAYENKO: It would depend on what format it took. If Alberta was representing itself, say, in a meeting where each province had to represent itself in talks, then I would say the best thing to use would be provincial ridings, but if it was just a big pot where everybody from every federal constituency could get together, then that would be fine too – whatever – as long as the people themselves have a say in what goes on.

MR. CHAIRMAN: Okay, but let me just get this clear. Once the new Constitution had been prepared by this new group of people and submitted to the public for approval in a referendum, would that committee cease to exist? In other words, would the constituent assembly just be finished?

MR. ESAYENKO: It would disband, and I would hope that it would be made up of just everyday people like myself or whoever else is interested in it with the purpose of just impartially bringing to the meeting the views of the people in their riding, setting aside even their own personal biases. That's what I would like to see: just somebody who could represent them saying, "Look; this is what we want to include in our new Constitution, and this is our position on this."

MR. CHAIRMAN: But you would agree that the people who go to such a new body would have to be elected.

MR. ESAYENKO: Elected definitely; never appointed.

MR. CHAIRMAN: Never appointed.

MR. ESAYENKO: No. There's too much patronage in government now, and there's no way we'd be able to get a fair representation that way. It would have to be the people themselves choosing who they want to represent them.

MR. CHAIRMAN: Some of the presenters who asked for a constituent assembly said that there should be appointed people as well as elected people. So I just wanted to get clear on that point.

One other quick point too. I must tell you that to my recollection, of the several hundred people who have come forward, you are the first who has urged on us the inclusion of the right to bear arms in the Charter. I just have to inform you of that. I may be wrong because I haven't been at every panel hearing, but if others could correct me . . .

MR. CHIVERS: I think that's correct.

MR. CHAIRMAN: I just thought I'd mention that to you, but you've made an interesting submission in that respect.

Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Esayenko, I was interested in the tone of your presentation: references to Thomas Jefferson and James Madison among others, and reference to the American Constitution which guarantees the right to bear arms. Do you see any point in having a separate Canadian political nation; that is, would you perhaps even feel more comfortable living in a country that was perhaps a part of the United States? Do you see any purpose or meaning or difference in Canada that ought to be maintained or that's in any way important or significant that's different from the American?

MR. ESAYENKO: Well, I don't agree with being coupled up with the United States. I don't think too many people in Canada would support that. I myself would prefer to see Canada as a republic in its format, not as a parliamentary democracy or what I call a parliamentary dictatorship, because in a sense that's what it is the way things are set up right now. Instead of a European style parliamentary system incorporated, I would like to see Canada being a republic not submitted to the Queen but submitted to a Constitution which was in turn created by the people themselves.

MR. HAWKESWORTH: Okay, fair enough, which is what the Americans have as their form of political institution. What then would be unique or important about being Canadian that would be in any way different from what America is? I guess what I'm trying to get at here is: what's worth preserving in Canada that's different from the United States? That's really what I'm trying to get at here. In your mind what's important there? What's the important difference?

MR. ESAYENKO: I suppose I'd have to answer that by just saying . . . To tell you the truth, I don't really know how to answer that, but the main importance or the main focus I'd like to see in Canadian society is an emphasis on a bill of rights, on personal liberties and freedoms, individualism. You see, I find that Canadians are very institutionalized. Everything has to be in a group or institution, whereas Americans, Australians, and other people in other democracies are known for their individualism. They rely on themselves, look after themselves, and that's what I would like to see with Canadians. I think we're too closely tied to our government; we're just too dependent upon our government. Every time something goes wrong, everybody goes crying to the government saying, "Well, you have to do something about this." I mean, it's our nation. The nation itself belongs to the people of this country, and the people themselves should be taking responsibilities for their own actions and thinking for themselves rather than always going to the government for this handout or that handout. That's what I'm tired of seeing. That's one thing I do not like about Canadian society.

MR. HAWKESWORTH: Okay. Thank you.

MR. CHAIRMAN: Yes, Barrie.

MR. CHIVERS: Darren, you indicated that the procedure you envisaged for constitutional reform in terms of the process would be final approval by federal and provincial referenda. I'd just like to discuss with you some of the complications and inquire as to whether you'd addressed your mind to it. Do you see this as a yes or no vote on an entire package, or a vote item by item, clause by clause?

MR. ESAYENKO: The item-by-item thing I think should be worked out in the constituent assembly where all the elected delegates hammer out all the details, and then when they do come up with a package that is acceptable, bring it to the people as a package and let them vote yes or no on it. If there are things in it that people feel strongly enough about – suppose they support one thing but don't support another – if they feel that strongly about the thing they disagree with, then they should vote against it, I think, and start all over again.

MR. CHIVERS: Isn't that likely to be a pretty well unending process then, because you'd never be able to determine what it was that people were opposed to?

MR. ESAYENKO: It would be a long-drawn-out process, but we're not talking about something that should be just drafted up in six months like Mulroney wants, okay? We're talking about something that is going to be binding and that people down through the generations in this nation are going to have to abide by. So however long it takes. I don't suppose it would take any more than two or three years to get a Constitution, you know, ratified by the people of the country itself.

9:35

MR. CHIVERS: The difficulty I see with the referendum process is . . . For example, you've spoken of a bill of rights, and I assume you'd want the right to bear firearms as part of the bill of rights, or the Charter of Rights as it's presently called, and that you would see that as a crucial part of any Constitution, judging on your submission here today.

MR. ESAYENKO: Yes, and it was for the reasons I outlined, the simple reasons. You see, when you look at it, there doesn't really seem to be any reason to have this thing in our Constitution right now because, let's face it, Canada is at peace. We're not threatened by any of our neighbouring countries at all, and it doesn't seem like it would be all that logical. But how do we know what our political and social and economic conditions are going to be two or three generations down the road?

MR. CHIVERS: I appreciate the logic of your presentation. What I'm driving at is that, for example, you feel that's a crucial element of a Constitution, of a bill of rights. There are others that feel that property rights are a crucial dimension.

MR. ESAYENKO: Yes. I did fail to mention property rights, but I would like to see that as well incorporated into our Constitution.

MR. CHIVERS: There are others who feel that fetal rights should be included in the Constitution. Now, if we just have a yes or no on a package, how are we ever to know? Some of these people may agree with you on gun control, but they may disagree with you; they may vote against a constitutional package because fetal rights aren't included or because property rights aren't included, or they may agree with you and vote against it because gun control or the right to bear firearms isn't included. How do we ever decide?

MR. ESAYENKO: Okay. So what we could do then is probably make up a long questionnaire and have each elected delegate mail a questionnaire to the people in their constituency asking them what they agreed and disagreed with, and if it goes to a no vote, why they voted against it and ask them what. The overwhelming stuff that was voted against should be removed or amended.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Thank you very much. By the nature of the questions you see there are complications, but we appreciate very much your presentation and thank you for coming forward.

MR. ESAYENKO: Okay.

MR. CHAIRMAN: The Calgary Multicultural Centre representatives are here, and we'll ask them to come forward now, please.

UNIDENTIFIED SPEAKER: Mr. Chairman.

MR. CHAIRMAN: I'm sorry?

UNIDENTIFIED SPEAKER: I was going to ask him a question, but I didn't know if it was permissible, and now he's gone.

MR. CHAIRMAN: I'm sorry; we can't really get the dialogue going with the audience.

UNIDENTIFIED SPEAKER: Okay.

MR. CHAIRMAN: If we tried it, it would just probably end up being quite lengthy. Thank you anyway.

UNIDENTIFIED SPEAKER: Yes. I got hot under the collar.

MS BETKOWSKI: Now you know what it's like to sit up here.

MR. CHAIRMAN: Good morning. You're just a few minutes earlier than anticipated, but one of our presenters has not presented himself. So we'll go ahead, if we can now, with your presentation. Is Ann Wilson attending this one?

DR. PHILIP: She'll be joining. That's the only thing. She was supposed to join us, so I hope she will join us as we proceed.

MR. CHAIRMAN: Thank you. Welcome to this panel on the Constitution. Please proceed.

DR. PHILIP: Thank you. It's a pleasure and privilege to be invited to participate in this process. My name is Zak Philip. I am the vice-president of the Calgary Multicultural Centre, and with me is my colleague Krish Champakesa. He's the executive director from the administration side, and the president of the centre, Ann Wilson, hopefully will be joining us later.

First of all, I'd officially and formally like to thank you for this opportunity. Perhaps I should say a few things to put it in the context in which we'd like what we present to be understood. The Calgary Multicultural Centre has over 60 member organizations in addition to the number of individual members that we have. The organizations include umbrella groups of ethnocultural backgrounds and service organizations and the like. In a sense we have a potential reach of about 100,000 Calgarians, so to speak.

The other point I'd like to make at the outset is that our participation in the constitutional reform process started quite early, even before Meech Lake. In fact, when CBC *Morningside* had that big forum in which I know you participated, Peter Gzowski's presentation, I was one of the 12 jurors they selected. More importantly, subsequent to the Meech Lake failure or whatever happened then, Krish was very much a part of the Spicer commission process here. In fact, he was one of the moderators in Calgary, and our board, myself, Ann, and other directors, also participated in other group gatherings and also on television. So our interest is not just starting now is what I'm saying.

We had made a written submission. I'd like to propose some general themes and then perhaps one or two specific issues. We believe in a united Canada with full recognition of its regional and cultural diversities. That is our main theme, and that includes the recognition of the aboriginal people, their rights; Quebec's distinctiveness, not in a preferential sense but the distinct nature of Quebec, as a reality; our multicultural reality; and, of course, the regional distinctiveness and the recognition of that. We'd like to see the future of Canada in that context: recognizing regional, cultural, and other distinctiveness.

In our submission we made some reference to some of the statements made by the Spicer commission and their recommendations. I don't want to go through all of them. One of the recommendations we had included in our submission was because we endorsed that. We have an ever developing culture based on an adopted mix of past riches from countless sources: continents, countries, ethnic groups, tribes, and individuals, also the multicultural nature. Because we believe we are an important stakeholder in that context, we'd like to speak on behalf of that.

We know that much has been said. Multiculturalism is under fire, to some extent for the wrong reasons, because some of the policies were probably out of date; also because the challenge and the opportunities inherent in cultural diversity are not well understood. That's the reason: because some funding was going for song and dance and those kinds of things. What we'd like to emphasize is the economic integration inherent in that: people coming from different parts of the world with their different cultural backgrounds. If we can tap that cultural diversity, we can synergize our country.

Economic integration is the point that we like to promote. Our government should take some initiative in the evolving new Canada and the constitutional and other reforms that are coming. The absence of such an integration means a waste of valuable human resources, and it also raises the potential for ethnic tension and conflict. This is more important because of the changing composition of our immigration. That includes employment equity initiatives perhaps. That includes removing all systemic, overt, covert discrimination and discriminatory practices and, also, trying to be fair in recognizing foreign credentials and things of that nature. It is in that context that we like to promote that.

For the rest of the themes I'd like to invite Krish to join. He was also very much part of that commission.

9:45

MR. CHAIRMAN: Thank you, Dr. Philip.

MR. CHAMPAKESA: Thank you, Zak. Good morning, ladies and gentlemen. Thank you for this opportunity. The only privilege I can claim, as Zak mentioned a minute ago, is that I've been very actively involved for about a year now with the Spicer commission when they chose me to be a moderator in Calgary along with three other colleagues, one of whom comes from the Hispanic Congress, but the other two are multicultural without a lapel pin giving a distinct ethnic identity or what people pass for Calgarians; we don't belong to any distinct ethnic identity. We had the privilege of meeting about a hundred groups of eight to 10 people from all over: rural, urban, different interests, professionals, ordinary workers, cab drivers, whatever you want to say: a cross section.

The common themes I found in all these hundred sessions was that, first, they were somewhat cynical and disbelieving whether their opinions will ever carry weight. We had to do quite a bit of persuasion to tell them that when there is an opportunity to give an opinion, a democratic society expects that you give your opinion freely and fairly. What emerges as a consensus need not necessarily be the views of one of us or two of us. It has got to be essentially a consensus.

The other point we found in that was that people wanted Canada to be one. Whatever way you ultimately decide Canada's restructure or even modification of the structure, it has to be one country, because we have far too many valuable things in this country, which probably most of us realize one day when we get out of the country and look at it from outside, at what other countries are doing.

The third point, since I've been involved for 10 years in the multicultural concept of society, and as Zak touched upon: multiculturalism is a much misunderstood system. Many people have expressed to me openly in my own room that you are mollycoddling or handling with velvet gloves the ethnics of distinct origin. It is not so. The immigration in Canada is not intended, deliberate, or manipulated; it's just an accident of history. But once people come from different cultures, it's up to them to adapt, and we have to develop a common Canadian identity if we hope to live in harmony as a society of unity in diversity. I would refer to the September issue of the publication, *Canadian Link*, which I'm sure has been submitted to all of you, where they're giving a three-C definition of multiculturalism. It's enforcing what I have been advocating in hundreds of forums in the last 10 years, and it simply says it must be made in Canada, it must have a distinct Canadian identity, and it is to include all Canadians.

On the employment equity side, we've got a research task force on which we have been working for two years. Again, all that it seeks is training and skills and an opportunity on a level field for everyone to compete and, from the other angle, the maximum utilization of the skills available with the immigrants when they come in, so that international competitiveness is kept up for our prosperity as a nation in the world.

If there are any other questions, it would be a pleasure for me to answer. Our presentation and the annex are already with you. Thank you very much.

MR. CHAIRMAN: Thank you.

DR. PHILIP: At this time I'd like to introduce Ann Wilson.

MR. CHAIRMAN: Yes. We got an opportunity to start a little earlier. I hope it didn't inconvenience you, but we thought we'd take advantage of the time to proceed in your absence.

MS WILSON: I congratulate you. That's a good sign for the future; to be ahead of time is a little bit proactive. Maybe that's the key or the symbol of this committee.

MR. CHAIRMAN: It's only because somebody who was supposed to have appeared at 9:15 did not show. That's the reason.

MS WILSON: At least we can be flexible.

MR. CHAIRMAN: Would you like to make some comments?

MS WILSON: My role this morning – I'm the new president of the Calgary Multicultural Centre, so I was to come with my colleagues and friends here and really give them the time to expound on issues that they've been working very hard on.

My thoughts, however, were that all of us here in this room are very different, and we celebrate that difference. As people we look for labels or words to describe certain sets of circumstances, and one of those words happens to be multiculturalism. For me, as an immigrant to Canada and recently allowed to become a citizen of Canada, I see that multiculturalism is Canada and Canada is multiculturalism. It's unique in its model; it's one that we have to be proud of. In reading last night's literature from the Alberta government, I was pleased to see that it said: how are we going to make cultural diversity work for us? I have to ask myself – and I congratulate all of you on the committee for this effort here – how does the process of constitutional reform, the reforms and the Constitution itself, enable us to ensure that in fact cultural diversity does work, that we're not just mouthing it, that we're not just wearing it on our shoulders, but that in fact we have a system that ensures that it does work?

So thank you very much, and again thank you for letting us come this morning.

MR. CHAIRMAN: Well, thank you very much. Some members will have some questions.

Yolande, Barrie.

MRS. GAGNON: Thank you. Good morning. I think one of the things that we've heard through these weeks of hearings is that there definitely is a lot of misunderstanding about the concept, the reality of multiculturalism: its purposes, its actual application, what it costs, and so on. What can we do together to dispel the myth and the stereotype and inform people? Because there is a lot of fear. People see things changing; they don't understand them. They think it diminishes them when something different occurs. So how can we help dispel these myths?

DR. PHILIP: I'll try to start the response. One of the problems we have in that area is the lack of information. So I think educational institutions and information-sharing agencies, all of us in society, have a role to play in that. The changing pattern of our immigration, for instance: if you look at 1968 to '88, 20 years, in '68 two-thirds of the immigrants came from Europe, whereas in 1988 it was 25 percent, one-quarter. During the same time period the change in immigrants from Asia increased: in 1968 it was 13 percent, and in 1988 it was 40 percent. So it is a change in composition. You see all kinds of new people, and there is a fear among some people.

What are some of the opportunities and challenges inherent in that? That's where we have to play a role, governments and other organizations, if we can. These people are bringing skills to us, an international outlook to us, and synergy, as I mentioned earlier. The OECD's latest report came a few weeks ago, and it ranks Canada as 15th in certain attributes. Our overall standing is quite good, although it is slipping a bit. One of the areas where we are really low is international orientation. If you look at the business opportunities that we have in the Pacific Rim and in the new world and so on and forth, those are some of the things.

So, in response, it's a challenge. I think government agencies, educational institutions, and centres like us have to somehow convey that new challenge, new realities, new opportunities to the public. When the public understands that, the danger will be gone, and I think it will be a much more positive atmosphere.

9:55

MRS. GAGNON: Also, we've heard from a lot of people who want the Charter of Rights changed to eliminate any references to multiculturalism.

MR. CHAMPAKESA: There are a couple of points I would like to answer to your question, if you'll permit me to answer again. There is not only a lot of misconception. As I was waiting at the elevator on the main floor here to come up, there was a lady waiting along with me. She looked at my name tag and said, "How do you spell your name?" I said, "Krish." She said, "What culture?" I said, "Canadian." She found it hard to believe. I'm talking of the perception.

Now, in relation to what Zak said. They said our educational and professional skills in the work force have become noncompetitive because of the immigrants. If I study the statistics of the last six years, 70 percent of the university graduates, postgraduates, and PhDs immigrating to Canada are coming from the eastern countries. Now, look at the employment potential. Forty-six percent of the small businesses created in the last six years have been created by immigrant entrepreneurs. It does not mean that immigrants just take away jobs, which is again a perception based on ignorance of the facts of the case.

When we deal with community education, I've had the privilege, since both the governments changed their perception of multiculturalism as embracing everybody, to organize 25 public forum programs at the Multicultural Centre, and 90 percent of the audience were from the street. In fact, one day I took 60 calls from people just asking me: "Do you exist at all? Where do you exist, and how do we get to the centre? We saw your name in the *Herald*." That much lack of knowledge exists. It's not surprising that that word is deemed to be something reserved for the ethnics. Then the concept of majority, minority, first nations, other nations: these words aggravate that particular dividing perception instead of a unifying perception. The media want only sensational things. They don't want to write when there is no sensation. How does the knowledge get across unless we meet and interchange ideas and realize that irrespective of the fact that we are a different colour, we have a different diction or possibly have lost half of our teeth, we haven't escaped from the zoo? We are just as human as anybody else. Then culture being propagated as linguistically isolated is again not correct, because if you go back to the dictionary definition of culture, it is just sophisticated, enlightened human behaviour. I am sure no God or whoever created this world intended we must have 300 cultural associations in Calgary, but I find them registered.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Did you want to get in, Ann?

MS WILSON: I just wanted to make two comments. One is that I find from my experience that when we start having to use labels, whether they're "multiculturalism" or "women's issues" or on and on, it's a signal that proper respect to a particular group isn't occurring or it's a potential. It would be nice to be able to get away from labels and just say that we respect all areas of our society. That would be my concern there. By using the term "multiculturalism," I think not only is it a sign that perhaps there's something not working quite right, but it also is a signal that we have something to celebrate that's good.

The other point you made was that there are significant numbers of projects happening across Canada and particularly in Alberta that do bring about greater understanding regarding immigrants, refugees, and multiculturalism. My perception is that we don't make enough of those good things that are happening.

MRS. GAGNON: Could I add one last thing? I would like to invite you to consider changing the name of your centre to the Calgary intercultural centre rather than multicultural.

MR. CHAMPAKESA: Thank you very much. About a month back Mr. Zarusky, chairman of the Alberta Multiculturalism Commission, was with me, and we were talking on this subject. He said, "Krish, if I gave you a choice and gave you the money to change your name, what would you do?" I would like to call it the Calgary Canadian international centre.

MRS. GAGNON: Great. Because the perception again is there, for instance, that I'm not part of the multicultural group; that's the other people, not me. That's the perception that has to change.

MR. CHAMPAKESA: These people also sometimes, when they get on the cause of distinctiveness of a culture, make it exclusive, which means you are building barriers instead of building bridges. It's a two-way exercise anyway.

MRS. GAGNON: Thank you.

DR. PHILIP: In conclusion, we would like to say that we support a united Canada where regional and cultural diversity is recognized so that no region or member of any minority group feel like second-class entities. That's what we stand for. That's what we promote.

MR. CHAIRMAN: Well, Barrie Chivers and Dennis Anderson also wish to make a comment or ask some questions, so I don't think we can quite let you have your conclusion yet, Dr. Philip.

DR. PHILIP: That's okay.

MR. CHIVERS: I share your concerns that multiculturalism is misunderstood and under attack, and it's certainly been borne out by these hearings. One of the common complaints and rationalizations for the attack on multiculturalism has to do with public funding. It seems to me that part of the difficulty here is a lack of understanding of the purpose of a multiculturalism policy. As suggested by our member here, perhaps a change in name would assist in that. Could you give me a succinct definition as to the purpose of a multicultural or intercultural policy?

MR. CHAMPAKESA: Multiculturalism by definition is a scheme for a diverse society. You can say it's the nom de plume for a Canadian society which has diversity built into it. It includes each and every one of the 26 million Canadians, and in our case the 700,000 Calgarians whom we serve because of our radio service. It must serve them with mutual respect and understanding that diversity is an in-built feature of Canadian society. That's nothing to be shied away from, because multiculturalism serves every one of us. It doesn't mean that it serves the ethnics or this or that, whatever perception we had at the start, 20 years back.

If it gets activated, we'll be very happy to accept Mr. Gagnon's suggestion and change our name, but change of name alone is not going to solve it unless the purpose is understood and the message gets across.

Thank you.

MR. CHIVERS: Just connected with that is the public funding dimension. How can we explain to people the necessity for public funding?

MR. CHAMPAKESA: Unless the government feels that all community services are to be privately funded, we are only providing a cross-cultural community service in immigration. There are already services for people to find a job, go to their bank, go and learn English, or go and exhibit whatever culture they have in an acceptable way in Canadian society. I mean, how is it justified to cut out funding? Because it's the community that gives the funds, and it's going back into the service of the community.

DR. PHILIP: If I could add, the main thrust of the funding should be slightly shifted. I think in the past moneys were spent for promoting cultural heritage in terms of songs and dances and dinner and those kinds of things. When people came to know about it, taxpayers were thinking: why should my tax money be expended in that fashion? I think the real challenge and the shift should occur to spend government money or taxpayers' money only for language training and cultural reorientation for people who are coming from outside so that newcomers to our country become useful and contributing citizens. The effort should be in that area, and if you expend our funding in that area, I don't think anybody would object, because in the ultimate analysis they are going to pay taxes, they are going to contribute.

I remember that 27 years ago when I came to this country, I started within a week, and the Canadian taxpayer did not pay one cent. I came to Edmonton. I took over as the director of personnel at the Misericordia hospital because I was educated in Chicago with a master's degree in personnel administration. So the point is that when people understand these are contributing citizens – and I started paying taxes from that time, 27 years.

10:05

MR. CHAIRMAN: Sometimes the government is quite efficient in getting money out of people. That's quite true.

I'm going to have to just caution us. We have a number of additional questions, but I hope perhaps one of you could answer rather than all three on each occasion. It would be helpful.

Please go ahead, Ann.

MS WILSON: Just a brief statement that my perception – this is an assumption – is that there are projects happening whereby people who haven't had experience with refugees and immigrants, haven't had experience with multiculturalism, are now seeing the benefits. We don't tap into that number one good source of PR. Those are the people we need to encourage to speak out, to get into the press, to tell about their experiences, how it's helping their business, their economy, their life-style, their quality of life. It's happening, and we don't use it.

MR. CHAIRMAN: Dennis Anderson.

MR. ANDERSON: Thank you, Mr. Chairman. I think my question was answered in the answer to Barrie Chiver's question, but just to clarify: you would not be opposed to government funding being shifted from the cultural heritage dimension, the dance and song and so on, to the immigrant orientation and other aspects?

DR. PHILIP: If that is the choice, that's the way it has to go.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: I think the language training issue you stressed is something people would be quite happy to see. We have heard, as you are aware, a wide range of views. One of the big concerns in Canada, whether it's French or English, is the language question, and I think the commonality of being able to communicate is an extreme concern for many, many Albertans who've come before us.

MR. CHIVERS: Mr. Chairman, I'm sorry, but . . .

MR. CHAIRMAN: Oh, I beg your pardon.

MR. CHIVERS: There's one thing that's been concerning me during the hearings. I think some of the presenters that have spoken about multiculturalism have accepted your view with respect to the focus of the funding. But one of the difficulties I have is reconciling that type of funding, which essentially is a melting pot type of funding, with the mosaic view of our culture and our purpose. Can you reconcile those viewpoints for me?

DR. PHILIP: Yes, sir. We are not in favour of a melting pot. If you look at American history, which for a while was mostly the melting pot, they are now coming to our mosaic understanding. If you go to California, you can see bilingualism – that is, Spanish and English – and in other parts . . . So even they have officially recognized the limitations of the melting pot. Recognizing diversity is not to say that we are simply putting it in one pot. There are many analogies – the salad approach, this approach, that approach – but what we'd like to see is, as I said, recognizing cultural distinctness or diversity and using that to enrich us.

It is a situation almost like a conductor and a symphony, trying to make beautiful music rather than having 10 violins making individual noises and two clarinets and side drums and the list goes on and on. If you look at it individually they are beautiful, but there are violins and there are clarinets. What we are trying to make in a culturally diverse society in a mosaic atmosphere is beautiful music which transcends the individual musical sounds of those particular instruments. That is diversity. You can also take an agricultural model for that. You have a flower garden; you may have a hundred roses. That is beautiful, but if you have roses and chrysanthemums and jasmine and everything else, how beautiful that is, how much better it is. That's the type of society we are trying to build.

Thank you.

MR. CHAIRMAN: Thank you. I note in our analysis of your material a statement to this effect: before we espouse the Canadian Charter of Rights, let us espouse a Canadian charter of duties and obligations. I wonder if one of you could expand on that.

MR. CHAMPAKESA: Yes, sir. I had the privilege to put out that sentence. We had a number of programs and sessions where judges of the citizenship court came and talked to citizens. I got flyers and descriptive things giving the Canadian Charter of Rights. In any country in the world, if you want to be a citizen or live in that country and enjoy the privileges that accrue to you because of living in that country, you have certain duties to perform; for instance, a basic loyalty to the concept of that country's prosperity, working within the terms of the laws of the land, and not wasting too much of your time and talent bringing issues in countries back home to be espoused in Canada because we are a free democracy and you give all the freedom to espouse them.

You mentioned budgeting. We certainly agree that what you had called, as that man said, the four-day syndrome last year – we do not believe you should fund it. It should be funded by the community if they want it. Certainly cross-cultural education, learning one or two official languages, because the first thing for an incoming person is to find a job, a home, and self-respect and not to be on the breadline. We certainly encourage learning English or French, but once they have found a place and a job, it will be a pleasure to know the other language. I lived 60 years in my country of origin where there are two official languages, and the population, quite a large majority, speak both easily without feeling they are being compelled to do it. Heritage languages are very good for culture, but that doesn't mean we are going to concentrate on them until we have everybody employed and with a place in Canadian society so their contribution adds to total prosperity. It is in that sense that I felt we must have Canadian duties and everybody coming into Canada must recognize that before they claim their rights. Rights just don't come like manna from heaven. We have to earn them.

MR. CHAIRMAN: Thank you very much for that explanation. It was very eloquent.

I appreciate very much your coming forward this morning. We wish you success in your valiant efforts to create the symphony or the garden in Canada. We hope the tune we are able to play together in the whole nation will be one of harmony and not one of discord. Thank you very much.

I understand Mike Bruised-Head and Keith Chief Moon are here now. If you would like to come forward – it's a little earlier than you anticipated – we'd certainly appreciate hearing from you. Good morning.

MR. BRUISED-HEAD: Good morning. I guess this is written on both sides in case . . .

MR. CHAIRMAN: In case you forget your name.

MR. BRUISED-HEAD: Or in case you call us something else.

MR. CHAIRMAN: Yeah. Right.

We're pleased to have you with us this morning and encourage you to proceed with your presentation.

MR. CHIEF MOON: My name is Keith Chief Moon, and I'm the vice-president of the Sik-Ooh-Kotoki friendship centre. Just for your own information, Sik-Ooh-Kotoki in Blackfoot is Lethbridge. We want to thank the committee for allowing us to make this presentation. We're very concerned about the developments that have taken place.

We're going to share this presentation. I'll do the first half. I'll open it and Mike is going to close it. That's what we're going to do.

10:15

The introduction, what I have in my presentation, is that as far as the native people are concerned a Constitution is basically a set of principles set out for a particular organization or a set of principles they follow.

I have taken the liberty of mentioning – I think I heard this morning that there was a bit of concern about being here in

Canada, but I just want to make it clear on the record that as Indian people and native people and aboriginal people, we have been here for tens of thousands of years. Canada became a country in 1867. They had the BNA Act, and section 91(24) specifically mentions Indians. At that particular time treaties were signed. Treaty 6 was signed in 1876, Treaty 7 in 1877, and Treaty 8 in 1899. All these treaties were signed before Alberta became a province. Now, the treaties were signed in good faith by Indians and, in turn, Indians were to receive "bounty and benevolence." I took this quote right from the treaty, and if I'm questioned on it, it's right in front of the treaty.

According to the definition of "bounty," it's a gratuity or an unusual additional benefit conferred upon or a compensation paid to, a premium given or offered; reward is more proper in case of single service. Then I've got "benevolence": the doing of a kind or helpful action towards another, under no obligation except an ethical one, the love of humanity. Now, those words were used in the context of Treaty 7.

If you look at the history of Canada, Alberta, the chiefs of the many Indian reserves, as far as dealing with the Indian people, it has not been very good. There are violations of human rights and no legislation protects. I specifically refer to an Indian person that has to live in the city. There's no legislation that protects that Indian. I've seen it; I'm still seeing it. Even though the BNA Act is still in existence and the United Nations Universal Declaration of Human Rights is still in effect, all this legislation – the Canadian Bill of Rights, the Individual's Rights Protection Act, the Employment Equity Act, the Canadian Human Rights Act – when we try to utilize it, does not seem to have any protection for the Indian person. The reason why an Indian person would move to a city is because he has no job, no home, no education, or no relation to an existing council or the chief. A common answer is, "Go and talk to your elected official." We do. But just to give an example, we've been trying to meet with our MLA in Lethbridge and he doesn't have the time to talk to us. So I'm saying there are serious violations happening to the Indian people, and I am of the opinion that if nothing is done . . . The Indian race is dying slowly, and no government is doing anything to protect the indigenous people of North America. I just make reference to the animals in the national parks. They get more protection than an Indian person living in the city. I can back that up.

Anyway, I am suggesting that we have these concerns. We would like to request this commission to consider that the Indians be represented not only in municipal governments, provincial governments, federal governments, the Senate, the judiciary, police forces, communications systems, the Supreme Court of Canada, and all governmental commissions and agencies; also, there should be representation in academic institutions – provincial schools, community colleges, universities and all postsecondary institutions – health departments, Consumer and Corporate Affairs, housing organizations, employment organizations, and any type of service that operates in an urban setting. Because what's happening is that nobody is advocating for the Indian. Everybody talks about self-government. Okay, we'll do it. Give us a chance to do it.

In closing, I'm asking that if it is the wish of the different levels of government to destroy the Indian race, why don't you just come out and say it? This way we can begin to preserve not only our languages . . . I'm very fortunate that I'm still able to speak my own language, but there are other native people, Indian people, that have lost it, and it's no fault of their own. We'd like to hang on to our traditions, our life-styles, our heritage. If you look at the track record of any government supporting Indian communities, it's not very good. The illiteracy rate is 45 percent for Indian people. The incarceration rate in any given jail is 75 percent. The suicide rate is quite high. If you look at the unemployment rate in any given reserve, it's 80 to 90 percent, and there are the homeless for the reservations. Nobody is doing anything about these types of things, and we're asking that it has to be addressed. Canada portrays itself as one of the G-7 countries. What about the backyard at home? What are they doing for the Indian people? Nothing.

Don't forget that it was through the generosity and the kindness of our forefathers – my great-grandfather, Red Crow, was the one that signed the treaty. It was through him that you have the province of Alberta. So as the great-grandson of Red Crow, I am very concerned, and we'd like to ask this commission to seriously look at all the legislation. I'm no constitutional expert, no lawyer, no legal expert, but I can read. I don't know if your version is different from what I'm seeing. But it's there. I'm not making that up.

So in closing, I've been thinking about this. There's a clause about being a distinct society that's quite interesting. I think the distinct society belongs to the Indian people of Canada.

Thank you very much.

MR. CHAIRMAN: Thank you, Keith.
Mike.

MR. BRUISED-HEAD: Okay. I guess I'll start with a Blackfoot greeting. [remarks in Blackfoot] Imagine if I was to make this presentation all in Blackfoot. All of you would need a translator. I guess I'm just indicating the pride I have, after 500 years of colonization, that I'm very fortunate to be still very fluent in not just the Blackfoot but the old version of the Blackfoot language.

I'm the executive director of the friendship centre, the Sik-Ooh-Kotoki friendship society in Lethbridge. I guess we're very grateful to have the opportunity to make a presentation or a report to the members of this select committee on constitutional reform.

I guess the principle of our presentation is to begin the thought of how to better understand the realities of the native people, especially those who reside in the urban centres – that's who we're talking about, the people in the urban centres – and for us to all work toward developing constitutional rights that will protect us and serve the urban native people. There are more native people in every major urban centre across this country than on reservations or the Metis colony. So we'll give you – and I think Keith has already done this – some thoughts to begin this process that hopefully will not end here but we'll have a continued dialogue and debate in working together to establish something very concrete and make the realities of this select committee for real and make them happen rather than sitting here and in the next 10 years we have another hearing like this; to start this discussion on certain rights that the urban native people don't have. We're just suggesting these, but our suggestions are concrete.

The friendship centre in Lethbridge has witnessed a continuing enlarged trend of migrating native people to the urban centres, specifically Lethbridge in this case. Along with that migration to the urban centres come a lot of adjustment problems. Whether racial discrimination, employment, whatever, the whole situation is there. The conditions and the servicing of programs are inadequate in serving the urban native people. The urban native person does not have the accessibility to programs that status Indians . . . Again, most of those are status Indians coming into urban centres along with the nonstatus and Metis people. They do not have the same obligations or benefits that people living on the reserve or on Metis settlements have and are not eligible for certain programs because the dollars just don't reach, jurisdictionwise, into the urban area.

10:25

The four general reasons that Keith has touched on of why native people are leaving their homelands or their native communities are due to large housing shortages, high unemployment, no land base, and lack of postsecondary and even high school educational opportunities. I could maybe list another hundred reasons, but those are the four primary reasons which indirectly or directly force native people to leave their homelands and, wishfully thinking, moving into the city to try and obtain a better life-style, which is not there.

For the same four reasons the native people are often forced to live in urban areas, which in the majority of cases are no better than the native communities themselves. There is no political, legal, or financial representation that is formally in existence to lobby for or assist the urban native people, other than some friendship centres. We are taking that role whether we want to or not. Each friendship centre, I think, is the hub of the city for native people in each urban community. This has come to us forcefully: represent the native people or we're not doing our job. It's just that that's how it's happening.

There is no political, legal, or financial representation in existence to lobby for or assist the urban native people. Again, the friendship centre has to accommodate those kinds of problems and concerns. The friendship centre in Lethbridge is requesting that this province seriously look at developing constitutional protection that will serve the urban native people's needs. These constitutional rights should in turn make services and programs available to the native people, whether they involve medical, educational, or whatever other rights that are stemming from the treaties. I don't think that by moving into the urban centres, somebody has to give up their rights. And they're not giving them up; it's that they're not being allowed to exercise and benefit from these rights. I think the federal government and the provincial government have to recognize that.

The friendship centre should also be given the recognition to initiate urban native administrations to deal with the present problem situations. The friendship centres are at the present time the most appropriate organization to meet and understand the plight of the urban native person. There's no other centre that is deeply involved. There are 102 friendship centres across this country, 14 in Alberta, and they probably say the same thing: "We are doing work probably the Metis people should be doing, the other native organizations should be doing, or the reserves should be doing. But these people are coming from all different directions into urban centres, so we're handling people that have left their homelands and probably will never go back home." It makes you wonder. I think we'll slowly die off, become extinct. These are the concerns that we have. I'm also a great-grandson of Red Crow, so this is something that I'm very concerned about.

It is suggested that there be the formation or development of an urban Indian Act which will outline at least some constitutional framework for the urban native people. We talk about self-government on the reserves, but not everybody is going to leave the urban centres and run back home, because of the four reasons why they left in the first place. Those have to change, and they're not going to change overnight. Even self-government may work for those people who are presently residing on the reserve or in the Indian communities, but it really does not do anything for the urban native person.

The urban Indian Act is just a suggestion that may provide the necessary constitutional recognition to have federal or provincial funding agencies provide services and programs that reserves, municipal, civic, and provincial governments are unable to resolve today. The present political boundaries in provincial legislation should also seriously entertain the thoughts of having elected urban native representation, such as filling the chairs that are sitting around you. We need to have native urban representation in the provincial Legislature. People are yelling the same thing across the country: to have seats in Parliament. Well, I think we need that too. A lot of times I think the provinces are dealing with the end result that the federal government is not doing and the provincial government is being stuck with that. You in turn send it to the cities. The cities then send it to the mayor and council, then it comes to the friendship centres, and we're wondering: jeez, why does the buck stop at the centre?

I think these are things that you may have to design and entertain seriously, redrafting the constitutional boundaries. We'd like to have native MLAs that the native people elect themselves. Right now there's a lot of people. We're still a minority in the urban centres, but at the same time we're a very highly visible minority in terms of problems. Sometimes we're not being understood, what our concerns are. I know you people are very, very busy. I think by having native representation, those native MLAs will go to the root of the problem and have time for that.

Those are, I guess, two very strong suggestions that this committee should entertain. We're able to and want to participate in any future discussions in developing this kind of mechanism.

In closing, the above ideas are only the beginning process to develop a new and better future for native people, but it will require extensive discussion and realistic planning and implementation of government officials and urban native leaders to have something concrete from hearings like this. Making the efforts of this select committee become a reality will require scheduled meetings, very frank discussions, and implementation of this committee's constitutional reform mandate, your original mandate, why you are traveling the province. I think we could help make a reality of your original mission or mandate, and we'd like to participate. That's all we ask. Because if nothing is done, I think we'll become extinct.

In closing, I thank you for allowing us to make a presentation, and hopefully you will have the opportunity in the future to visit us in Lethbridge. You know, it's not that we always want to show the ugly side of it, but we will give you a very strong presentation on where native people are in terms of poverty. I know city councils across this province want something done. We want something done too. We want to help out too, but the Indian Act and the Metis Settlements Act do not extend into the urban centres, and we're a football. The feds chase us back to the province; the province says we're a federal responsibility and go to the reserve. Well, it's easier said than done. With the four reasons people are going to continue to move into the city. That is a fact right now.

Thank you very much.

MR. CHAIRMAN: Thank you both for your excellent presentations. One of the things that our committee is charged with doing, obviously, is trying to make recommendations for changes to the Canadian Constitution. At the present time it is clear that Indians and Indian lands – and that includes Inuit because of the court interpretation – are the sole responsibility of the federal government. For years many, and most, native organizations have said to the provinces, "We don't have a relationship with you as a province." That is changing and has changed quite remarkedly in the last little while. That, I believe, to be a very useful development. This buck-passing or football-kicking, as you use, has got to stop. We've got to work out a better accommodation so that you're not being bounced from one government to another.

Until the Constitution is changed to give the provincial governments responsibilities, it creates a problem for the provincial government to legislate in areas. For example, if we introduce an Indian urban Act in Alberta, it might very well be struck down under the present Constitution because of section 91(24). Now, I don't want to get too much involved in the constitutional . . . I am a bit of a constitutional lawyer and you are not. That's one of the problems that we as a provincial government face. In the next round – and I'm very encouraged by what took place in Whistler, British Columbia, and what is taking place in the dialogue that's now under way amongst the native communities themselves – we can start dealing with some of these very real issues. I just wanted to make that comment before the other members of the panel entertain some questions.

Bob Hawkesworth, Barrie Chivers.

10:35

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd like to thank both of you gentlemen for your presentation this morning and also say that I think every member of the committee is aware of the good work that friendship centres are doing in communities all over Alberta. I appreciate the work that you're doing in Lethbridge.

As you went through your presentation this morning, I guess the question that I'd like to raise with you is this. I don't think there's any denying the problems that are being faced by urban Indian people or Indian people everywhere in our province and around Canada. Is the situation, in your view, a result of the failure of our Constitution, or is the failure somewhere else, perhaps in our programs, our policies, an unwillingness by politicians to give this matter a high priority, or is it a failure someplace else, in none of those areas?

MR. BRUISED-HEAD: Yeah, I'd like to respond to that. I guess there's a failure on both sides. We say politicians and we say administratively – well, I guess politically, legally, and economically and specifically the treaties. The treaties are very precise in one way and very elaborate in that they outline the rights, but Indian affairs with their Indian Act have this administrative policy that's been in existence since the first draft in 1874 and four or five amendments since then. It does not correspond with the Constitution Act. A treaty is the biggest thing of all, at the top, and here's an administrative policy that has undermined all treaties across this country.

Further to that, the interpretation of the Indian affairs department is so limited that even the Indian Act is not being followed. Then if you go through the Indian Act in the first two parts, right off the first page, Indians and lands reserved for Indians, I wonder if they ever anticipated that in the future the Indian people would be moving into the city. I don't know if they want to cage us. Maybe we were supposed to die off 20 years after we signed the treaty, but we're still in existence, so they didn't foresee those things. I don't know if they wanted all of us to always stay on the reserve all the time, but through the same implementation of the Indian Act by Indian affairs civil servants, right now they have a choke hold on the political, legal, and financial institutions stemming from the treaties, and right now there's high unemployment. We could blame the chiefs in council – maybe part of their problem is their inactiveness – but that's how the Indian affairs officials have implemented this Indian Act.

At the same time, this Indian Act has caused the four general reasons why Indian people are leaving their homelands, and there's a vacuum created now that is not addressing those migrating, adjustment problems right now, so that is what we have to work on now, why we're saying, "Well, let's take the treaties as the top of the table and develop an urban Indian Act from there." You know, right now there's no land base for the urban Indians, which makes it that much more difficult to feel safe, protected. It's like an invisible perception that we feel all the time: we have no legal or political entity to protect us or to represent us. Keith and I are representing ourselves and the friendship centre and indirectly the membership of the friendship society and the urban native people, but we're not chiefs in council. Maybe that's what we need, an urban Indian chief in council similar to the format that exists on the reserve.

I don't know if the Indian affairs people ever saw or even thought of this. I wonder if they want right now the 8,000 Blood Indians to always live on the reserve, just like a big cage; it's like a jail to us. But now we've gone out, and I think there are more Blood Indians living off the reserve than on the Blood Indian reserve. The reason why I'm saying that is because I'm from the Blood reserve and I'm taking the liberty to speak out, and I'll not speak out for other bands, but I know their band members will say the same thing. But I'm from the Blood reserve, and I'm taking my absolute human rights privilege to speak up, because there is something wrong with the whole system.

MR. HAWKESWORTH: I appreciate what you're saying. I think the idea of an urban Indian Act is a new one that I haven't heard before, and it might take us a little while to get a sense of what might be involved in that. Would you see that being a federal law or a law that might be passed by the Alberta Legislature?

MR. CHIEF MOON: Well, it's got to be a combination. I think the framework is set out that you always make reference to Her Majesty, like in sitting here, we refer to Her Majesty as the Crown, so it's going to have to be a combination. When those particular treaties were signed, it was nation to nation, and from that point on the reservations were created, but they didn't take into consideration that there would be a migration of native Indian people to the cities. I guess in that sense, if all else fails – we don't want to start suggesting something drastic, but there is nothing to stop the Indian people from creating a province for themselves and asking to join Canada. There are other options.

I think the track record has been that governments are very unwilling to deal with this. They were hoping that it was just going to go away, but it's come to the point that we have to deal with it. Then there's part of the reason why we're here: we still believe that there can be a solution that's going to be acceptable to you. I know it's not going to happen overnight, but you look at the failure of the constitutional talks on the aboriginal people. They failed. So we're saying: "Well, look. We think we can come up with it, but we want to be able to sit down in round table discussions where we can come up with a solution that's acceptable to all." I think where we're at is we have been forced to live in the cities because of the fact that had we decided not to move to the cities, we would be statistics; we'd probably die off. For humanitarian reasons we wanted to better ourselves.

MR. CHAIRMAN: Yes. Barrie Chivers.

MR. CHIVERS: Thank you, Mr. Chairman. There has certainly in the hearings that we've held across the province been a recognition of the plight of aboriginal peoples, and that includes the urban aboriginal peoples, and I wanted to say to you that unfortunately we don't have a lot of time to discuss these things this morning, but this is the beginning of the dialogue. We have as a committee extended an invitation to aboriginal peoples, and I'm hoping that that would include representatives of urban aboriginal peoples, as it should.

Now, what I wanted to pose to you is something perhaps that you could think about, not so much because I expect you to give me answer today, but one of the models that has been proposed is the model proposed by Ovide Mercredi, the leader of the Assembly of First Nations. That is a model that is based not on jurisdiction by territory but jurisdiction by person, and it's a model of constitutional reform which would give aboriginals self-government on the basis of a jurisdiction over aboriginal peoples. I am wondering how that sort of a model of aboriginal self-government would adapt with and meet the needs of urban aboriginals and whether or not there is a sufficient community of interest between the needs of urban aboriginal peoples and aboriginal peoples living elsewhere.

MR. BRUISED-HEAD: I guess just in response to that we'd have to go through Ovide Mercredi's proposed model, but at the same time, I have not heard full endorsement from all native people across this country. We'd like to tear it apart and see how it will help the urban native person. It's easy to accept, "Oh, here's a model of jurisdiction by person," but will that be applicable here? I say applicable, because each of your provinces has a different constitutional framework, you know. The feds have a constitutional framework. It may work in Manitoba. It may work in one town in Manitoba, but each area has to be taken into consideration, and I respect a continued dialogue on this.

10:45

We'd have to look at that, but right now I would have to say that if it's a general federal – national – proposition, it may not be specifically dealing with those, because that's what has happened now. There are all these constitutional policies, but they don't reach that poor Indian on the street because somehow it stops and only goes so far. To me, the way I see it, it has to start from the bottom to the top, where we tell Ovide: "This is what we need. We're suffering here. We're dying off. I think this is what's going to save us from dying off and from hunger and from being cold." Those things stem from the bottom to the top, because the majority of the native people in this country are in poverty. Eighty to 90 percent of any tribe, any band, any urban centre native people are unemployed. So it's best to hear from the underprivileged people what they think will serve, because a lot of these constitutional discussions have omitted those people having a direct say or representation. The underprivileged native person has been overlooked. Everybody has come with all the solutions, but they have not helped.

I'm not downgrading the proposed model. We would have to analyze it. Some parts of it may work; some parts may not. I'm not going to wholly endorse this or reject the model. It is something that should be carefully debated.

MR. CHIVERS: I agree.

MR. CHAIRMAN: Gary.

MR. SEVERTSON: I'll pass.

MRS. GAGNON: I was just going to make the point about the round table discussion which our committee wants to have with the native people in Alberta. I do hope that comes off.

Thank you.

MR. CHAIRMAN: Well, thank you very much, both of you, for your excellent presentations. We want to have this dialogue as a government. I think it's important that the Legislature – and all parties are represented here – is hearing your views. As I said at the outset, I don't think we should be bound by this dividing-line concept that we've heard so often that, "We won't talk to the provinces, because you are not responsible for us, and you were not part of the treaty process," and all these old sayings.

You both come from the Blood reserve. I was quite distressed, quite frankly, when at the time of the last provincial enumeration the government on the Blood reserve would not allow the members to be enumerated so that they could participate and vote in the next provincial general election. That was a decision taken on the Blood reserve, and quite legitimately done, I gather, but that's the type of thing which helps keep a dividing line and prevents a greater native participation in the electoral process, which obviously is a key to having greater input. These types of things, I think, have got to come to an end. We can't keep on doing those things, or we will just be like ships that pass in the night.

I very much appreciate your coming forward today and giving us a very interesting proposition about how to deal with the concerns of native peoples in urban centres.

MR. BRUISED-HEAD: Well, I hope in the very near future we have name tags that also say, "Hon. Keith Chief Moon" instead of these cards.

Thank you.

MR. CHAIRMAN: Well, as you know, we have in our Legislature three people of native ancestry, of Metis origin, and that's a start, a good step. We hope that there will be more and more native people taking their place in the elected councils of this country.

Thank you very much for your very excellent presentations.

Cynthia Walker. Good morning.

Yes, you can keep that as a souvenir.

MISS WALKER: Good morning. Thank you for allowing me this opportunity to be heard on this most vital issue. I've prepared very formal remarks this morning in the attempt to constrain myself to the 15-minute time limit, but I hope there will be time afterwards for a brief discussion.

For the information of the committee, although I was unable to submit my remarks in advance, working on the usual deadlines that I do, I do have copies for each of you here today, so you will have written copies of my remarks when I conclude.

By way of introduction, I must express that like many other Albertans I will be profoundly grieved should Quebec decide to leave Confederation. Nevertheless, that decision will be made by the people of Quebec and not by the members of this government or of this panel. Therefore, in the limited time available to me today, I would like to leave that subject aside and to concentrate on the issue which we will all have to address whether or not Quebec chooses to remain Canadian, and that issue, in my mind, ladies and gentlemen, is the division of legislative powers.

Allow me to backtrack for a moment and ask rhetorically, if I may, what purpose a constitution is intended to serve. Very simply, a constitution must in a democracy serve as the social contract by which the majority of the citizens of the state are prepared to live. It does not normally specify the content of the law, but rather it assigns the jurisdiction of each echelon of government, and it may go so far as to remove matters from the realm of all governments, essentially imputing sovereignty in that regard to the individual.

It is because of a constitution's role as social contract, because it defines the relationship between the governors and the governed, that a constitution must be stable, enduring, and, to the extent possible for any contract, timeless and certain. Certainly it must be reasonably capable of being amended, and for that reason I urge this government not to accept any amending formula which would require unanimity, because we've proven throughout Canadian history that unanimity is virtually impossible, especially in constitutional matters. It must also be a living document, to be interpreted by the judiciary within the contexts of the times in order that it may continue to serve a changing society. Nevertheless, a constitution must not be viewed as being merely temporary, the rules du jour, if you wish, to be tinkered with on a whim by the powers of the day to serve their immediate political aspirations, for this undermines the stability of that fundamental relationship of governors and governed and thereby undermines the nation itself.

In considering the division of powers for a federal state, therefore, it is imperative that we rise above immediate passions and reject private political agendas and ulterior motives in favour of choosing what is over the long term in the best interests of all Canadians and in the best interests of the political entity known as Canada. In this respect, as far as I'm concerned, only two questions need be asked regarding the allocation of any given power. First, which level of government is most capable of exercising that power given considerations of regional distinctiveness, local responsiveness, capacity to deliver the service, minimal duplication of effort, and whether local control is otherwise required. Two, if the provinces are found by the first question to be the most capable echelon of exercising that power, is there nevertheless an overriding requirement for that power to rest with the national government?

I emphasize the potential requirement for national control. As the world enters the next millennium and continues to shrink at an accelerating pace, it is my opinion that the differences between provinces of Canada, other than Quebec, will similarly shrink, and simultaneously it will become more and more essential for the national government to exert greater control over certain aspects of Canadian life in order that we may continue to fulfill our role as principle player on the world stage.

10:55

Allow me to develop those two points separately. I have said that I expect regional differences within non-Quebec Canada to shrink. This is predicated on the continued practice of making transfer payments from the have-provinces to those which have not in order that regional economic inequities might be reduced. I am confident that few among us would disparage this practice; indeed, it was entrenched in the Constitution Act of 1981. Moreover, I believe that it is morally imperative. In terms of economic development initiatives, it is true that the recent practice of national governments has been to do more for the industrial heartland than for the hinterland through its variously named departments of regional and economic expansion. However, I believe that the principle of regional economic diversification along with the direct aid provided by transfer payments is also morally required, and if it were pursued in a less partisan manner than has been the case in the past, that too would reduce economic disparity in the country and thereby reduce regional diversity.

My second point was that the shrinking world will require a greater concentration of national power. This relates to the growing need of Canada and Canadians to compete internationally, particularly for economic opportunities. Canada's ability to compete is significantly hindered at this time by its diminutive population and vast distances, resulting in poor economics of scale for the manufacturing sector. Compounding this problem is the allocation of such powers as employment standards to the provincial level of government. I choose this example as one with which I am most familiar in my role as a consultant within the pension industry, although certainly innumerable other examples could be found without difficulty. I ask your indulgence as I describe the extent of this problem in this single field for illustration.

In the mid-1980s Ottawa first reformed its own pension legislation which pertains to employment covered under the Canada Labour Code. Several provinces, including Alberta, followed suit shortly thereafter, but not all provinces have reformed their legislation to this date. Among those provinces which have reformed their legislation, there are innumerable differences among the details of each jurisdiction's respective Act and regulations. In spite of repeated pleas from pension plan sponsors for greater uniformity in the legislation, some provinces are proceeding to make further changes in their Acts, decreasing whatever precious little uniformity may have previously existed. I must add, moreover, that these differences are not significant philosophical disagreements which cannot be compromised. Instead, these differences are petty, such as whether a surviving spouse should receive a pension equal to 60 percent of that paid to the deceased member, which is what Alberta provides, or 66 and two-thirds percent, which is required by Manitoba, or whether the member should become vested in his benefit after two years of pension plan membership as opposed to five years of continuous employment for that employer. The result of this, ladies and gentlemen, is chaos for the employer trying to sponsor a multijurisdictional pension plan. The chaos results in higher costs for developing, maintaining, supporting, and administering these kinds of plans and thereby directly reduces the international competitive position of the employer against corporations that are not similarly hindered.

As I indicated, this is just one example of many of the negative impacts on the nation of the current division of powers. By jealously holding on to such powers, the provinces are only undermining the long-term economic interests of both the province and the nation as a whole. A similar argument may be made in respect of any number of currently held provincial powers. More certainly, further decentralization, such as that which this government has recently advocated, will only create further chaos, a weaker national economy and, ultimately, a weaker nation.

Two further points must be made in favour of having a strong national government. The first is that only a strong national government can exercise the powers required to reduce regional disparities and ensure equal treatment of all Canadians in the most fundamental aspects of life, such as civil rights, health care, and educational opportunities. Without a strong national presence in these fields, such as education, the opportunities for Canadians will be determined by their province of birth rather than their own innate abilities and drive, and that result would be unconscionable.

The second reason is that, in my view, the deficiency of Canada which is most likely to allow us to drift apart as a nation is the lack of a national identity. There is an old joke about the difference between Canadians and Americans. An American will describe himself as "American as mom, hot dogs, and apple pie." A Canadian, by contrast, will call himself "as Canadian as possible under the circumstances." We tend to define ourselves as Albertans or Quebecois, and perhaps only those from Toronto feel close enough to the national seat of power to call themselves Canadians. If we further decentralize the division of powers, we will undoubtedly exacerbate this problem and further diminish what little national identity exists. One can only feel Canadian, after all, if one can feel at home and treated as an equal regardless of where they are in Canada.

Like anyone else who lived through the nightmare of the national energy program, I do not advocate centralization of power lightly, nor do I suggest that the current national government institutions are adequate to ensure fair representation of all Canadians at the national level.

I commend this government for its adoption of the triple E Senate as an appropriate reform to be undertaken at the national level to ensure that regional voices are heard much more than is currently the case. It is imperative that Alberta continue to press for this reform, particularly by educating other Canadians as to the inherent fairness of such an institution along with the inherent unfairness of the current makeup of Parliament, and we must pursue this goal even more aggressively than we have in the past.

An equally important reform, which to my knowledge has not become a platform of this government, is the reduction of party discipline in both Houses of Parliament, however else those Houses might ultimately be restructured. Too often, instead of having the views of Albertans represented in Ottawa, we merely have the views of the caucus of the day represented to us. Canadians place great emphasis on our heritage of British parliamentary democracy, yet even the British Parliament has abolished the notion that the government must resign on the defeat of any one of its Bills. That Canada do the same is long overdue.

If both of these parliamentary reforms could be achieved, Albertans would have nothing to fear from greater centralization of power at the national level. Indeed, if both of these parliamentary reforms could be achieved, Quebec could also be unafraid of remaining Canadian, for along with these reforms we could take whatever steps are necessary to protect Quebec's language and culture without reducing the national government to a peripheral role dealing only with natives, national defence, and Canada Post.

Finally, if these reforms could be achieved, Canada could look forward to the coming millennium as a more unified nation with strength, pride, and optimism. If, on the other hand, we retreat to our provincial boundaries and take as much power as we can with us, Canada as a nation will become balkanized, weakened and, inevitably, on the road to national dissolution.

Ladies and gentlemen, that's the conclusion of my formal remarks. I appreciate your attention, and I invite your questions.

MR. CHAIRMAN: Any questions? Yes, Dennis.

MR. ANDERSON: Cynthia, it's good to see you again.

MISS WALKER: Thank you.

MR. ANDERSON: I appreciate your closing comments with respect to the balance required in national powers and the need for reform if that's to take place. I also appreciate the example that you gave from the work that you've been involved with.

There is another perspective, however, one that suggests that as the world moves more quickly, it's even more important that the government closest to the people be dealing with its resources and its direction. One option to federally exercised power that's been discussed for some areas by some presenters is that of a requirement that the provinces get together with the federal government to establish these standards and that they're administered on a provincial basis. Would you feel that that's an alternative that could be explored to only entrenched federal government powers?

MISS WALKER: That's a good question, Dennis. We have seen the growth in recent years of the use of federal/provincial conferences on a multiplicity of issues, and we have seen growing federal/provincial co-operation on such things as the Canada pension plan. I can see that that might be an alternative, but I can see also that it would be at best a second-best alternative, the reason being that I believe it's important that national powers be discussed by people who are elected to represent the province on those national issues. When I elect my MLA, I elect him because of what he represents to me provincially, and when I elect my MP, I elect him on the basis of the stance he takes federally. Those two positions may be very much in conflict with each other.

11:05

MR. ANDERSON: It's a good point. Do you feel that in a nation our size and with our complexity, representatives from all parts of the country would be able to determine most of those items that we need to deal with in individual ways across the country and that have developed on a historical basis differently in different parts of the nation?

MISS WALKER: Dennis, I believe that an elected body, whether that be the Parliament or the Senate, especially if that elected body has the capacity to go beyond party discipline lines, would have as much capacity as any other organization that we could put together to examine these issues and come to a fair conclusion that would be suitable for all Canadians to live by.

MR. CHAIRMAN: Well, thank you very much.
Barrie, yes.

MR. CHIVERS: If we still have time, Mr. Chairman, I'd just like to pursue a bit more with you Dennis's proposition that perhaps the way to establish national standards is to leave the power to legislate, the division of powers, with the provinces and then arrive at some agreement amongst the provincial governments. The concern I have is that that tends to lead to a lowest common denominator type of solution. I'd like your views on that.

MISS WALKER: Thank you, Barrie. That's a very good point. Another problem that we have with leaving it in the hands of organizations to arrive at a standard nationally that will then be adopted by each province is illustrated in the pension context. There is a national association called the Canadian Association of Pension Supervisory Authorities. This body meets regularly, and it is to this body that the pension industry has been moaning about the lack of uniformity in regulations. Each time they meet, we in the pension industry hear more promises from them that greater uniformity is on the way, but we don't see any evidence of that. If it works at all, it's an alarmingly slow process; it's not a productive process. In the meantime, we're saddled still with the nonuniform requirements that provinces don't seem to be willing to budge on, and as I indicated in my remarks, the inclination of provinces is still to go back to their own private agenda and make changes to their pension legislation that takes it again further away from the side of uniformity.

MR. CHIVERS: Thank you.

MR. CHAIRMAN: Well, thank you very much, Cynthia. Just before you leave. A number of people have suggested a radically different system of reaching constitutional change. You didn't address that at all. Have you considered it?

MISS WALKER: I have considered the amending formula, and of course that was considered in great detail because of what occurred under Meech Lake with us trying to amend the Constitution on a unanimous basis. As I indicated, I think unanimity is impossible to achieve in this Confederation. Certainly we've proven that for the last 124 years. So my inclination is that the amending formula, which we have already arrived at with the 7, 50 proposition, is probably the most reasonable that we could hope to achieve. Certainly that means a significant majority of the provincial governments have opted in. Those provincial governments are representing at least the majority of Canadians, and therefore presumably the amending formula wouldn't result in amendments that are on a wholesale scale outrageous to the Canadian public. If I were to add anything to that amending formula, I would add the requirement for referenda, and I would add that because we saw in Meech Lake that there was, at first anyway, inadequate consultation by many provinces with the members of their public. In my estimation, if Meech Lake had been put to a referendum for Canadians, it would not have met the 7 and 50 test.

MR. CHAIRMAN: Okay; well, we'll never know, will we? Thank you very much for coming forward.

MISS WALKER: It's my pleasure.

MR. CHAIRMAN: Is Mr. Parizeau here?

I'd like to welcome you to this select special committee of the Alberta Legislative Assembly. We have had indication that you're interested in giving us your views about the future relationship of the people of Quebec and the rest of Canada, including Alberta. Our Premier had suggested, indirectly at least, that you might want to address your views to our select committee, and I know you've had discussions with my colleague the Hon. Dennis Anderson, who extended the invitation on behalf of the committee to have you come forward and present some thoughts to us today.

As you can see, you have attracted a fair amount of media interest, so we're all looking forward to hearing your comments. Then I'm sure members of the committee would like to exchange some dialogue with you.

Of course, we haven't simultaneous translation facilities available here, but I understand you've indicated that you're quite comfortable in discussing the issues with us in the English language. Please proceed.

11:15

MR. PARIZEAU: Indeed I am, Mr. Chairman. I would like to thank the committee for the invitation that I have received. My objective this morning is not to try to convince any of you of the beauties of Quebec sovereignty – I wouldn't dare – but rather to present my own perspectives on the present constitutional crisis in Canada. I hope they can be useful. I cannot avoid drawing, to set these perspectives, not only on my present role as Leader of the Opposition in Quebec but on 30 years on and off of federal/provincial negotiations, and that I think will show.

I would like to start by stating the obvious but what has not always been considered so obvious in Canada for a long time: to be a country, a country needs a wide range of national policies. In that light Canada has been very much a country during – and I'll go back a long time here – the World War years and in the years of the aftermath. Nearly all our great social programs, which in a sense typify Canada, date from that period, the last one, medicare, being in the late '60s. That is now considered so much a sort of symbol of what Canada is, particularly with respect to the United States.

But not only social programs. There was at that time undoubtedly an industrial policy, the sort of thing that so many people now in Canada try to rediscover, and the last episode of this is the Premiers' Conference in Whistler. An economic or industrial policy was also typical of those years. At the time, money and resources were highly centralized in Ottawa, and then the provincial assault started, led by Quebec, and it lasted a long time. And here I don't want to be very specific, but there are episodes of I think considerable consequences to understand what has happened more recently: the 1964 crisis where Quebec left 29 cost-shared programs at one blow; the decision that the Canada pension plan would be partially funded, and provinces – only one – withdrew, but provinces could withdraw and set up their own things; the spread of equalization during those years; and the funding of established programs on an unconditional basis. It was a momentous decision, something that never occurred in the United States. In the United States throughout that period and even today there are hardly any unconditional transfers; everything is conditional, including equalization.

This assault on federal powers and the possibility for the federal government to define national programs was, as I said, led by Quebec, but it developed among other provinces, inevitably, considerable appetites. Insofar as Quebec wanted to do its own things, it was inevitable that other provinces would, to a certain extent, follow suit, not necessarily as much as Quebec wanted or did but to a considerable extent.

At the same time that Quebec was trying to define all kinds of new roles within the Canadian Confederation with respect to both social and economic policies, we witnessed the rise of the language issue, and here again momentous decisions were taken that were often not understood as being momentous decisions. A province that in practice was bilingual and had been bilingual for generations decided to embark upon a course that inevitably led it to being a province, a state, a nation – whatever you want to call it – that would function in French, and this, contrary to what most people think, didn't start with the Parti Québécois in power. It started in '74 with a Bill presented in the National Assembly in Quebec determining that from now on the only official language in Quebec would be French – that was 17 years ago – while at the same time the federal government was embarking upon a course of official bilingualism for Canada as a whole. This orientation taken by Quebec to set up a society that would function in French led to a number of episodes: Bill 101 when we were in power, Bill 178 by the present government of Quebec. But everything was in the making when, clearly, this remarkable decision was taken in Quebec in '74 that French will be the only official language.

Thirdly, I must say as one of the main characteristics of all that time, during the time when the PQ was in power, we witnessed the rise of the Quebec entrepreneur. The appearance of this very peculiar combination of the Quebec government and of rapidly growing numbers of entrepreneurs in Quebec led to this shortcut in terms of expression of Quebec Inc. The reaction in Ottawa against all this, against this breakup of central functions in Ottawa, we tend to summarize in talking of the Trudeau years. It was undoubtedly an attempt to come back to substantial national policies to, in fact, stop the breakup of central functions. We know now that some blatant choices were made at the time that in a sense had an opposite effect. I'll just mention one example that you know so well out west: the national energy policy that in practice robbed the west of enormous sums of money. In any case, the deficit that was started at the federal level at that time reached here again a moment in history. That was when in 1984 the deficit of the Canadian federation attained the extraordinary level of 50 percent of total revenues. Sometimes I wonder if what that figure means has really sunk in. At the time the deficit represented 50 percent of federal revenues and, therefore, condemned the federal government in a number of areas to sterility for a long, long time.

During all this, yes, one can say thank God for natural resources; one can say thank God for the Canada/U.S. automobile agreement, which allowed a major industrial reconversion of Ontario. But we know now that all this wasn't enough. The Canadian economy hasn't the degree of competitiveness that we'd like it to have and that is necessary in that kind of work. Quebec Inc. not only developed but achieved a sort of state where the possibility for Quebec to go it alone became glaring. That was the main conclusion of the Bélanger-Campeau commission. We also came to see Quebec as a real pain in the neck in the proper functioning of the Canadian federation, while at the same time, obviously other provinces – and I'll say a few words on this later on – had to come back in some ways to the definition of national policies.

11:25

The situation today as I see it has brought us to this: as far as Quebec is concerned, three figures. Support for the sovereignty of Quebec in public opinion was 40 percent in 1980 in the referendum. It has been remarkably resilient in the few years that followed. Then it has moved to about 60 percent in the last two years. Oh, sometimes it's a bit lower, sometimes it's a bit higher, but more or less 60 percent. Sixty percent: that means about 70 percent of Francophones. It means that when you take a public opinion poll, before you divide undecided and no answers, you get in favour of sovereignty 2 to 1, more or less.

A Bloc Québécois has emerged that for the first time will allow Quebeckers not to be in the position of voting in favour of a souveraintiste party in Quebec and a federalist party in Ottawa. That's a great lesson of the Bloc Québécois. For the first time, people will be in a position to vote in the same general direction both in Quebec City and the House of Commons. Popular support for the Bloc Québécois at the present time: 45 percent, more – more – than the three major parties together. As for the Parti Québécois, it has indicated quite clearly that it is coming back to its objective of achieving the sovereignty of Quebec; that is quite clear in the minds of everyone now. The Parti Québécois these days is in the polls usually ahead of the Liberal Party by an appreciable margin. Now, these things can change. These figures can change, and I quite realize that nothing is ever certain in politics, but we come to the present constitutional crisis in the light of these figures.

Now, I think one has to understand here the position of the Premier of Quebec. Meech Lake was an incredible fiasco as far as he was concerned. He had put all his eggs in the same basket. He is – and I hope that is quite clear now – undoubtedly a federalist. He must now pin his hopes on important, substantial offers by the rest of Canada. Yes indeed, he's using what can be considered by some as ploys: Bill 150, with a referendum on sovereignty at the end of October; refusal to sit at federal/provincial conferences. But in a very real sense, I don't think that one can see his position as being cynical at the present time. In a sense it is somewhat pathetic, because his own troops are now split along the sovereignty line. Furthermore, he is at the present time battered repeatedly under decisions taken either by the courts or by the federal government that put in jeopardy some of the sacred cows in Quebec: the Great Whale project and the recent decision with respect to the federal government's authority on the project, the demands of aboriginals, the recent federal intrusions in education, the project of – I don't know who cooked that one up in Ottawa – a federal department of Quebec development. In a sense I think what the Premier of Quebec is now trying to send as a message is, "Give me a chance."

With respect to the rest of Canada, here I'll tread very lightly, but my reading of things is as follows. I was very impressed, as were many others in Quebec, by the changes in public opinion during the Meech Lake debate, where it appeared very clearly that the Charter of Rights had achieved in a few years considerable significance as a sort of symbol of what Canada is, and the distinct society concept was flying in the teeth of what appeared to be the significance of the Charter of Rights for a great many Canadians. That the distinct society clause could in any way override the Charter seemed intolerable to a number of people, while at the same time the Premier of Quebec was saying in Quebec that if there was no way the distinct society could override some dispositions of the Canadian Charter of Rights, then the situation would be worse than the status quo. But here again I can understand that so many people outside of Quebec and in Canada at the present time feel that one has to be, according to the Charter of Rights, a Canadian or something else. It's not only that I found this respectable; considering the fact that I've been traveling through Canada for more than 40 years now, I tend to say, "At last."

The triple E Senate is in a sense perfectly understandable also in the light that if all Canadians are equal in front of the Charter, the regional political expressions must be also, but of course that implies a clear refusal of a special status for Quebeckers and a special status for Quebec. It also inevitably had to lead to the recognition of the importance of national policies, and in that sense I think it's certainly the most remarkable aspect of the recent Whistler conference, where the Premiers of the provinces say that we need national policies and say with more and more people in Canada that we also need a strong central government.

Now, this, of course, is leading us on a collision course. On the one hand, there is in Quebec a very definite appetite to have a society that functions in French, that can do its own things within the Canadian economic space and the North American market. At the same time, there seems to be a Canada emerging that wants to be a real country, that realizes, of course, the importance of world markets – Canadians always have in the past – but wants to ensure that it has what it needs as a country. In that sense some of the reactions with respect to the free trade area with the United States were remarkably interesting, particularly in cultural terms: the hesitations of so many Canadians with respect to that agreement, wondering whether what Canada had developed, particularly in cultural terms, was solid enough to afford the entrance into the agreement.

Now, is there a way to avoid the collision course? I suppose that for the federal ministers, who these days meet so often on these matters, it must seem like just the squaring of the circle. Is it possible to find the famous Canadian compromise? What can be offered to pacify Quebec and not provoke too strong a reaction elsewhere? Therefore, a number of people seem to be tinkering with a little more culture with respect to Quebec and more economic powers somewhere, possibly the federal government.

11:35

I submit that a great deal of what is being done at the present time – at least at the federal level; I wouldn't pass judgment here on what goes on in the provinces – is in a sense short term. When I said an attempt to pacify Quebec, I don't mean to say to satisfy Quebec. Too many politicians are realistic enough to know that you don't satisfy Quebec, that they'll always come back with requests for more, more, and always more. For the last 30 years that's always been the attitude of Quebec. But at least to pacify it short term. In other words, is it possible to avoid an Italian-style House of Commons at the next election? That's what I mean by short term. When I mean an Italian-style government of the House of Commons, I mean five major parties. That has never been known in Canada in the past, but there is a distinct possibility at the present time that there would be five major parties in the House of Commons.

At the same time, is it possible to avoid the Parti Québécois coming to power in the next election? These two elections will probably take place within a year. Possibly the federal election would come just before the provincial one. Is it possible to pacify on the one hand and not to provoke on the other and hope that there won't be five major parties in the House of Commons and that the Parti Québécois will not come to power? I'm sure that those who are involved in this must find that it is a very difficult exercise.

But, you see, as far as I'm concerned, I'm not in that sense particularly interested these days in wondering whether the distinct society clause should be put in the preamble or should be put elsewhere in the Charter. That kind of tinkering I don't think would satisfy the sort of difficulty that I just mentioned. I think that a profound transformation of the Canadian Constitution is probably impossible now; it is too late. I probably wouldn't have reacted that way in the late '60s after some momentous decisions had been taken. Possibly some opportunities were lost at that time. But the sooner we realize that beyond short-term strategies there are two countries that in fact are emerging at the present time, the easier it will be to have these two countries appear on a solid basis and have them cooperate closely. The great lesson of our times is that countries, no matter what size they are, can prosper and flourish insofar as they belong to very large and wide economic markets. That I think is the great lesson of the last 30 years. It was delivered to us by western Europe. While we had so many difficulties in Canada to try and define broad national policies, and while we were involved in all kinds of specific fights and tensions and discussions, this idea appeared and was proven: that as long as large markets are maintained and developed, one can remain a Dane or a Dutch and prosper and develop as a nation within a large market. We look at what goes on elsewhere in the world these days, and I suppose a number of people ask themselves, "Has that lesson been learned by all kinds of other countries and people?" We'll, of course, have to wait some time before we see it.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Parizeau. I know that several of my colleagues would like to pose questions to you or make comments.

As you are no doubt well aware, our select committee is now in the 13th day of public hearings, and during the course of those hearings we've heard a broad range of opinion, everything from the advocates of a strong central government with no provincial entities in existence to the advocates of western separatism. Obviously, between those two points there's a great deal of ground. We have heard a broad range of opinion as to what Quebec's relationship should be with Alberta, other provinces, and with the federal government, and a great deal of discussion about the division of responsibilities between the orders of government. We've heard a great deal about the Charter of Rights and all the aspects of our Constitution, including aboriginal issues, and the challenge to us is quite enormous. I think your visit here today will help to focus the minds of members of the select committee, and to some extent Albertans, on the issues facing us.

I was surprised, if I may say so, this morning to read a local Member of Parliament's comments to the effect that people don't know anything about the Constitution and don't care. As I said yesterday, it reminded me of the interviewer who said to a man on the street, "What do you think about the problems of ignorance and apathy?" and the answer was, "I don't know and I don't care." At the same time, we have to be concerned, and your visit here today will help, I think, to focus more people's attention on the issues facing us as a country.

I know Nancy Betkowski had a question that she wanted to pose to you about medicare issues. I think everyone will want to ask you a question, so I'll try and get them in a respectable order. Dennis, Yolande, Nancy.

MS BETKOWSKI: M. Parizeau, je vous souhaite un bon accueil en Alberta, et je vous remercie aussi d'accepter l'invitation de notre premier ministre de vous présenter à notre comité.

I do have a question on a subject dear to our hearts, obviously, and that's the question of the Canada health care system. Quebeckers, like the vast majority of Canadians, cherish the Canada health care system and support the principles upon which it's established. My question to you is: do you believe a sovereign Quebec could sustain a health care system as Quebeckers enjoy today?

MR. PARIZEAU: This has been an interrogation in the minds of some people for quite some time with respect to medicare and with respect to all the major social programs that we have.

An independent Quebec: can it sustain them? The studies made by the Bélanger-Campeau commission are in that regard the most advanced that we've ever had in Quebec before, and the purpose of the exercise is this: let us lock together all the expenditures of the Quebec government at the present time plus the expenditures of the federal government and Quebec, and lock together all sources of taxes, whether they go to Quebec City or to Ottawa. What's the picture? Of course, if the picture is improved in relation to what happens at the present time, then the answer is yes, Quebec can afford all the sort of programs that are in part paid by the federal government at the present time. That was the conclusion of the Bélanger-Campeau commission, that in fact the Quebec taxpayer, assuming no economies because of overlapping – and God knows if economies are possible because of overlapping between the two governments – could maintain all expenditures as they stand now and, according to present tax rights, gather revenues, and that the situation of the taxpayers in terms of the combined deficit, shall we say, would be somewhat better than it is now in present circumstances. So the answer is yes.

As I say, we've never conducted studies as specific and as precise as that in Quebec, so until such time as people would demonstrate the contrary, I have to rely on these figures.

11:45

MS BETKOWSKI: But that assumes, as I understand your point, that it would just be a snapshot of revenue and expenditure as opposed to a share of debt in Canada. In other words, it would take a one-year slice and say, "We give this much; we need this much." It isn't in the context of the debt that we all share, I think, as Canadians.

MR. PARIZEAU: Oh, yes, yes, yes. Debt charges are included in the conclusion I just mentioned. Oh, yes, of course. There are some discussions at the present time as to whether what the Bélanger-Campeau commission introduces as debt charges are high enough. Indeed, of course. That belongs to the sort of bargaining process that is inevitable whenever you talk of sharing debt charges. But debt charges are, according to their estimates, included in.

MS BETKOWSKI: Thank you.

MR. CHAIRMAN: Dennis, and then Yolande.

MR. ANDERSON: Thank you, Mr. Chairman.

I, too, appreciate you accepting the invitation. I think it's important that Albertans understand the perspective that you come from. I found your analysis of history interesting, particularly those portions that dealt with the centralization dimensions of the federal government and the economic adjustments. You mentioned the national energy program, and I might say that much of the history that you track from a Quebec perspective can be tracked from an Alberta perspective with equal feelings about the centralization or the changes that have taken place. Indeed, in our hearings I would have to conclude that many Albertans would share some frustrations that I feel from Quebec in terms of ability to influence the direction that we need to take in this province for the betterment of our province in our nation.

One fundamental difference seems to remain. That is that the people that we've talked to in our hearings near unanimously – not unanimously but near unanimously – still feel in their heart something for the country that we have all called Canada. You have served for many years. You said you've traveled for 30 years, and you've been in parts of it as a minister of the Crown, leader of the loyal opposition. Is there not still somewhere a piece of your heart or a piece of your soul that says we want to be part of this partnership that's Canada? Recognizing the uniqueness of your culture and the language differences, as we have differences in evolution and development, isn't there part of your soul that says we can develop this vehicle that will lead us all into that future together?

MR. PARIZEAU: Besides being a minister of the Crown for quite some time, I also was during most of the '60s economic adviser to three Quebec Premiers: Mr. Lesage, Mr. Johnson, and Mr. Bertrand. I was at innumerable federal/provincial conferences, and I was a federalist at that time, during all those years. With others we developed, under the authority of Quebec politicians who were federalists, remarkable techniques, very efficient techniques, to divest the federal government of a great deal of its room to manoeuvre. We were very efficient, to a point where it suddenly dawned on some of us, not all of us, that this thing had gone too far. It's as if a piece of paper had been torn halfway. Some Quebeckers, well known, went to Ottawa to try to piece the piece of paper back with scotch tape if necessary. Mr. Trudeau, Mr. Marchand, Mr. Pelletier: the doves. Others went to Quebec City to tear the piece of paper right through. After several years, when Mr. Trudeau left politics, it looked more or less like a draw.

The real question is governments have to govern. It might be self-evident, but in Canada for the last generation it hasn't been evident that governments must govern. The question that I asked myself at that point, at that time at the end of the '60s was: what are the chances to ever find a Quebec government, of any party, that will accept allowing the federal government the powers to govern properly? My conclusion is that I can't see any of them. Mind you, over the last 20 years they've all shown that there was no way in which they would accept the federal government, let the federal government have the power to govern the country properly. Therefore, the conclusion for me was, "Well, that's it."

I often said in the past that I was in agreement with a number of the federalists who had a highly centralized idea of what Ottawa should look like. My main point of disagreement with them was where to put the capital city. If you can't have a proper government in Ottawa, well let's have a proper government in Quebec. In that sense, the sort of diagnosis that I put at the end of the '60s I haven't changed since. Everything that we've done since, as far as Quebec is concerned, under all manners of government, whether the Parti Québécois or the Liberal Party, whatever, has always been in this remarkable atmosphere where the Parti Québécois in power says, "I want for Quebec everything," and the Liberals in power say, "We want for Quebec more, more, and always more."

So you ask me that question, and I say, "Do I envisage something or keep something?" No. To all practical purposes I've become a Quebecker, not in an atmosphere of vindication – not anymore – but simply that I think we're past the point of no return.

MR. ANDERSON: Mr. Parizeau, could I respectfully suggest that your analysis is an analysis of the past. It is an analysis of a developing Canada, of a country 120-some years old, which has dealt with growing pains, as many countries do, that has had parts such as Alberta, British Columbia, and others who have just started in the last few decades to develop their own uniqueness. Quebec has had that for some time. Do you not see at this time in our country, with these partners such as Alberta and other provinces, that there is now the potential for a government in Ottawa which will be strong in some respects, with defence and those things that hold a country together, yet allow the uniqueness of each of our provinces to develop and to reinforce one another? Isn't this a new time in Canada's history, and shouldn't we be looking at the evolution that is now taking place? Couldn't we expect some of the growing pains that you've talked about before we reach full maturity?

11:55

MR. PARIZEAU: I suspect that once Quebec is out of the way, all Canadians will probably manage, and probably in rather short order, to set up the sort of central government that they want with a proper equilibrium of regional or provincial specificity while at the same time giving to that central government the ways to operate. I am certain, however, that as long as we're there, it won't be possible.

I'll just try to give you an example here that I found in a sense rather pathetic in two lines of the Whistler press communiqué. There is a request here for a national transportation policy, and in the communiqué it is made concrete by a request that a divided highway cross Canada from Vancouver to St. John's. That is 25 years after the Trans-Canada Highway. Just imagine at the end of the 20th century a country as large geographically as Canada that is still looking for a way in which the major way to transport goods in our time, the road, should be organized nationally and how one proper trans-Canada road should be built, 25 years after starting on that road. Why hasn't it developed more? I know why. I have been at these federal/provincial conferences where every time the federal government tried to expand on this years ago, we always managed to trip the operation, with the occasional help of one or two or three provinces. It is absurd to think that at the end of the 20th century Canada is still looking for a road-building policy. The roads in the United States, the blue shields, were built by the states but financed by the federal government, to a large extent with standards established and set up by the federal government itself. It was, for all practical purposes, a federal policy and was completed years ago. This should have, I think, made other people think.

Canada, I think, needs to be a country and it will be impossible to be a real country in the sense that some Canadians ask for as long as we're there.

MR. CHAIRMAN: Thank you.
Yolande Gagnon, please.

MRS. GAGNON: Yes, it's true that most presenters have told us that they want Canada to stay together – not all but most – because they do believe that we will flourish together and that we would be diminished without each other. I'm very sorry that you don't feel that you would be diminished without us. I think this morning you have tried to convince us that we'd all be better off if Quebec separated and that this separation is inevitable. Ce que vous dites me brise le coeur, parce que le Québec c'est la patrie de mon père, et pour cela je vous demande la question suivante. Are you concerned at all about the cultural and linguistic survival of the 1 million Francophones who live outside Quebec? Please don't tell me you'd give them money; that wouldn't do them any good.

MR. PARIZEAU: Well, I'm not sure that it wouldn't do them any good, but I see what your question is; it goes much deeper than that. When you talk about a million French Canadians outside Quebec at the present time, it's awfully difficult to put them all in the same situation. The Acadians have obviously reached a sort of critical mass where their future as a community is fairly assured within the legal and political framework, I would have said of the maritimes but essentially of New Brunswick. A large number of French Canadians are in Ontario, very close to what is by far the largest city in the area, Montreal and, therefore, submitted easily to all sorts of cultural influences that are not, shall we say, as prevalent elsewhere.

French Canadians – and here again, I mean, there are quite a few of them – in the western provinces are in a different situation. We all know that. The problem here is, irrespective of the fact that Quebec goes or Quebec stays: how do these people define their future, and how can they have assurances that they as a community have a future? I know that they're very troubled by this. I can well recognize the fact that for these people of these western, French-speaking communities, the objective of Quebec sovereignty doesn't make their life any easier. All I'm saying is that it is somewhat a different question than that of the French Canadians in eastern Ontario or, of course, the Acadians. It's not quite the same thing.

MRS. GAGNON: I don't agree with you at all. With the modicum of rights which we have and a little more in the last 10 years, we are beginning to flourish. We do have French schools. People who come here from Quebec to teach in our schools love them and often want to stay because they now realize that all of Canada belongs to them and they can be at home all across Canada. Basically what I hear you saying is that you would almost write us off. We're almost dead. We're the corpse; we just haven't lain down yet. I heard someone say that, and I would interpret what you're saying as the same thing.

MR. PARIZEAU: Well, it wouldn't be, I think, a proper interpretation. I'm not at all so certain of the outcome that I'd like that kind of interpretation to be given. Of course, as far as the schools are concerned, it's not the situation of 40 years ago. That's obvious. As far as these people out west are concerned, there's been a great deal of progress.

MRS. GAGNON: Absolutely.

MR. PARIZEAU: I certainly wouldn't say the contrary. On the other hand, their rate of assimilation is very troubling not only for those who watch that but for themselves, not because as a community they want to be assimilated but because they're not very numerous, and one by one they tend to wonder what language their kids and their grandchildren eventually will speak. We know they're troubled by that also. If I were certain of the future in that respect, I'd tell you that you had the right interpretation, but no, I don't think you have. I'm not that certain. One never knows with these opposite influences on small communities. The development of a proper – and it's not only proper – an improvement, should we say, in the school situation. They've had access, for instance, to French communications, TV in particular.

12:05

MRS. GAGNON: Please don't say "they"; say "you." I'm one of them.

MR. PARIZEAU: Well, "you." Sorry.
But what about the future? I don't know.

MRS. GAGNON: Also, because I care about all minorities, what about the Anglophone minority in Quebec, the Inuit, the Indians? How would they be treated under a separate Quebec?

MR. PARIZEAU: Anglophones traditionally have had in Quebec – I wouldn't say minority rights but rights that are the expression also of the fact that they, should we say, are a majority in Canada. These rights are appreciable and traditional, and they shouldn't be touched. I think they should be considered as acquired rights. After all, these people have been there for generations. There is some discussion, mind you, to be had on the ways and means. I'm still bothered by the vagueness of the sort of legal or constitutional provisions that have to do not with schools – that's quite clear – but with social or health institutions. Often things have to be consolidated more than they have been here in that direction.

So in the wheres and the whereases and the hows there can be some discussions. I hope to have discussions on these matters in rather short order. As to the fundamental rights as they've expressed, particularly with respect to these major institutions of a community, by all means. I mean, they've got be preserved. These people have been there a long time.

With respect to aboriginals, the situation is very different. I'm sorry this is never noticed elsewhere than in Quebec. In 1985 the National Assembly of Quebec passed a resolution granting aboriginals in Quebec the status of distinct nations, mentioning these distinct nations one by one and opening in the direction of self-government on the basis of the so-called 15 principles of 1983. That went rather far to open the door in that direction. On one basis, however, the integrity of the Quebec territory cannot be put in jeopardy: the recognition of distinct nations and of the 15 principles that exemplify what self-government can be. It's relatively old history in Quebec. The problem, of course – and I recognize it right away, and I'm not trying to be partisan, but it is a fact – is that the Parti Québécois, who passed that resolution in the House, was beaten a few months later at the polls, and the new government, the government we've had for the last few years, hasn't moved a great deal in that direction concretely. Some of the problems we have in Quebec at the present time come from this. But it is remarkable that as far as Quebec is concerned, we had these principles that we're all talking about in various provinces at the present time and at the federal level. All this gave rise to that resolution of 1985 in Quebec.

MR. CHAIRMAN: Mr. Parizeau, Barrie Chivers is next and Fred Bradley thereafter.

We have moved a long way. We've spent an hour now in discussion with you, and we're spending the time because it is important for us and for Albertans to understand your views on this matter.

Barrie next.

MR. CHIVERS: Yes. I'd like to echo that. I think it's very important for us to have an understanding and appreciation of your goals and aspirations as Leader of the Opposition in Quebec. I don't share your visions of the future, but I do appreciate the opportunity to have an understanding of your perspective of the problem.

What I want to do first is ask you how you see things evolving with Quebec out of the constitutional equation. You sort of glossed over it. You seemed to be suggesting that it would be a simple matter for the rest of us to come to a constitutional accord which would truly reflect our national aspirations. It seems to me that what was very interesting in your analysis of the tensions that led to the present state of affairs and the relationship between Quebec and the other Canada, if I can use that terminology, is that those same factors, those same tensions, those same conflicts are going to exist to a large measure with the province of Ontario. Taking Quebec out of the equation is not going to simplify in large measure tensions that exist in terms of population, development of the economy, resources, culture, and even language and minorities. Those tensions still exist for us, and we're not going to be able to avoid having to deal with them by simply taking Quebec out of the equation.

MR. PARIZEAU: I can see what you mean. Along the way that I follow, according to my train of thought, what you just mentioned takes place once we're out or pretty close to it. I wouldn't want to be caught in that rather odd exercise where I'd try to tell you how eight provinces should tackle the issue of the ninth that happens to have 50 percent of the population. I realize the difficulty. It would be preposterous on my part to say, "Well, I think there's a way out of that one, and you should take it." I mean, you'd say, "Mind your own business," and you'd be perfectly right to say that. There's no doubt that it's going to be a major problem. But at least you'll be in a position to settle it without having Quebec in the picture, without us finding every time a way to prevent you from doing what you want to do. Nobody except yourselves must tell you what you want to do. I think you'll find that with us out of the way it will be far easier for you to come to solutions, just to solutions.

MR. CHIVERS: Well, I even question whether Quebec will be out of the way for the rest of Canada, because we can't forget or neglect to recognize the fact that Quebec has a very important relationship with Ontario. Ontario's major trading partner is, I believe, Quebec. Although constitutionally Quebec may be out of the way, so to speak, it's certainly not going to be out of the way economically, and the economic reality is something we have to realize when we're speaking of constitutional reform. You've mentioned it yourself in terms of Quebec's economic reality, the competitiveness of the economy in Quebec. We have to take into account the same factors.

12:15

MR. PARIZEAU: Yes, I think on that matter specifically you're quite right. There's no doubt, for instance, that the links between Montreal and Toronto – financial, commercial, industrial – between these two great metropolitan areas, are such that one can always wonder: will the economic factors due to that situation be such that they can weigh heavily on political decisions? I gather that's what you mean.

MR. CHIVERS: That's the point.

The final comment is just an historical footnote. I noted that you discussed the present reality that seems to be developing in Quebec with the evolution of the Bloc Québécois. I just want to remind you of the existence of the Créditistes. There is a parallel to the extent to which that parallel exists, and I don't think we should lose sight of that factor in federal/political situations.

MR. PARIZEAU: I'll come back to Ontario and Quebec and economic matters in just a minute.

With respect to your analogy with the Créditistes, yes, you're right; political parties come and go indeed. But I'd like to remind you that the Créditistes' appeal in Quebec was always very localized. It was a rural phenomenon. I mean, the Créditistes never had much weight in the large cities, particularly in Montreal. So the analogy . . .

MR. CHIVERS: There's a shift there.

MR. PARIZEAU: Yeah.

MR. CHIVERS: But still very much in the Francophone communities.

MR. PARIZEAU: Oh, yes.

MR. CHIVERS: Much more.

MR. PARIZEAU: Well, the rural areas were by and large Francophones.

MR. CHIVERS: Much more than the present.

MR. PARIZEAU: Indeed.

But to come back to Ontario and Quebec and their economic relationship, that is why it is so important to go through the emotional period as quickly as possible, shall we say. That there should be a remarkable emotional wave with respect to the idea of the sovereignty of Quebec in numerous areas of Canada at the present time I can understand; it's obvious. Sure, Latins in Quebec are surprised to see that Anglo-Saxons suddenly have emotions; they thought they didn't. Well, they do. But we've got to come back as early as possible to the economic reality, and the economic reality is that we shall be in a position to solve our political problems or to define our social future or our cultural future as distinct nations insofar as we recognize that all this has to be done with free circulation of capital goods, services, large markets unimpeded by protectionism or barriers or whatever. That's what I meant by the great lesson of our time.

MR. CHIVERS: I understand. Where I differ with you is that I believe we can reconcile those within the structure of the present country.

MR. CHAIRMAN: Fred Bradley, please.

MR. BRADLEY: Thank you, Mr. Chairman. Mr. Parizeau, I certainly appreciate the opportunity you've presented to us to dialogue with you and to get a better understanding of your position in terms of the future of the country.

Many Albertans have expressed to us at these hearings their wish that Quebec would stay as a part of Canada. I guess the question I would put to you and which Albertans have suggested to us has to do with the territorial integrity of Quebec. You mentioned that in response to Mrs. Yolande Gagnon in terms of the native population. But some Albertans have expressed to us that if the people of Quebec decide to leave Canada, they should do so on the basis of the pre-1912 boundaries. They have expressed to us a view that that should be a condition the government of Canada presents very forcefully and enforces. I'd like to hear from you your views on that subject. Are you prepared to accept that as a condition of Quebec independence?

MR. PARIZEAU: The answer, of course, is no. What we are trying to do is not take a part of Quebec out of Confederation but Quebec as it is, and here we have to fall back on legal and constitutional matters. Once people raise the 1912 borders, what they raise are legal considerations; therefore, the answer must be legal also. In that sense, from a legal point of view the constitutional amendments of 1871 are quite clear in that regard: one cannot change the borders of a province without acceptance by the Legislature of that province. That's a general principle. What it means in practice is that before Quebec becomes a sovereign country, the Legislature will not accept changes in the borders, and the following day it's too late; it becomes international law.

Legal considerations. Again, with respect to the 1912 Bill, it was not a gift; it was a change in the borders of Quebec, an enlargement of the borders made according to the constitutional provisions I mentioned previously. Therefore, after 1912 the borders of Quebec as defined by our laws and our Constitution are the borders of Quebec as they are today.

Thirdly – and these days, of course, it's not immaterial – the James Bay convention, signed by the Cree and the Inuit on one hand and by the federal government and the Quebec government on the other hand, states very clearly that in exchange for other provisions of the James Bay convention the Cree and the Inuit renounce all territorial rights. That's very clearly stated. Therefore, the idea as expressed, for instance, by the economist in England a month ago that should Quebec become a sovereign country the Cree would leave with two-thirds of Quebec and all the dams on it is wrong. It's wrong. You see, one cannot raise a question in legal terms and not get that answer in legal terms. It's impossible; it can't be done.

MR. BRADLEY: Well, some would also put forward the notion that in the current Constitution, if you look at legal mechanisms, there's not a legal mechanism for a province to leave the Confederation of Canada either. So we're entering new ground in terms of what the terms of Quebec independence would be. I would suggest that on the emotional side of things there'd be a very strong emotional response from the rest of Canada in these matters and logic doesn't always hold ground. So there could be an emotional question here which would add to this dimension, plus the legal mechanism not being there for a province to withdraw from the country.

On that question and on territorial integrity, I just want to ask further: if Canada does accept Quebec's right to self-determination, although that's not clear in the Canadian Constitution, are you prepared to accept the right of self-determination by citizens in Quebec to leave Quebec and remain as part of Canada; for example, perhaps the Eastern Townships or certain native populations in the province. If we accept your right to self-determination, are you prepared to accept that right for other people in Quebec who may not wish to go down the path you envision?

MR. PARIZEAU: Here again, what we are trying to do is pull the province of Quebec out of the Canadian Confederation and set it up as a country. Therefore, the idea that one could carve out places in various areas that would literally, shall we say, leave Quebec in pieces – of course not. If you tell me that emotions run in that direction among some groups, yes, of course I do. Of course I do, and one has to let some emotions run for a while. But one has to be very clear on the objective, and that is what I'm trying to be, clear on the objective. We're pulling the province of Quebec out of Confederation. We're not carving it in small pieces, asking piece by piece whether you want to go.

12:25

MR. BRADLEY: You're asking Canadians to accept the notion that you'll carve up our country by taking Quebec out of it, but you won't give that same right to the people of Quebec.

MR. PARIZEAU: One has to remember that Canada was a federative pact. It was a federative pact, and the question we raise at the present time in Quebec is that one of the members of that pact wishes to leave. I come back to something that you were stating just a minute ago: in the pact there is no provision that specifically allows for one of the members of the pact to leave, but there are no provisions that prevent or negate the right of a member of the pact to leave. In 1980 one remarkable precedent was established in that regard: a referendum on the sovereignty of Quebec was allowed. In other words, nothing in the present constitutional pact forbids, nothing prevents, and it has been accepted that a referendum is a way out.

MR. BRADLEY: Not to belabour it, though, but perhaps we may accept – and that provision has been accepted by Canada in terms of rights to self-determination. I'm still curious as to why you would not permit the citizens within Quebec to make the same arguments. Say that perhaps parts of Quebec may wish to remain in Canada. Why would you not extend that same right to citizens within Quebec if you expect Canada to extend that right to you?

MR. PARIZEAU: Because I see Quebec as a country.

MR. CHAIRMAN: Thank you.

MR. BRADLEY: Okay. We could debate this at length.

MR. CHAIRMAN: You have asked the same question and got the same answer, I guess, Fred.
Bob Hawkesworth.

MR. HAWKESWORTH: Well, thank you, Mr. Chairman. Maybe I could just follow up somewhat on this question. There's no precedent for this, and it's unclear to me how all of this is going to unravel. Maybe you could walk us through the steps, as you see them occurring, that are going to bring this project of yours into being.

MR. PARIZEAU: Let me see. One has to say a few words, if they are not very specific, with respect to what happens or what goes on until the next election in Quebec. Yes, there is a Bill that was voted in the National Assembly to have a referendum on sovereignty by October '92. The Premier, however, has hinted on numerous occasions that he'd like nothing more than not to have it or to have that referendum on another topic, like federal offers or whatever. What happens before the next election, frankly, is not really in my hands. I'm just Leader of the Opposition there. I can have opinions, but I can't call the shots. We'll see. Assuming that nothing has been done that would bring us closer to sovereignty when the next election takes place, assuming that we take power at the next election in Quebec, then it must be clear – and it is repeated all the time – that the government then in power in Quebec has the responsibility and the mandate to move in the direction of the sovereignty of Quebec, to start on that course.

Start how? Well, there are several things to be done. Obviously, start writing up a constitution. Maybe a full constitution will take quite some time, and if it does appear that it will take quite some time, then some constitutional provisions of a temporary nature must be at hand. I mean, after all, at the point where we become a sovereign state, the laws have to get their validity from somewhere. Secondly, we've got to set up, for lack of a better word, I'd say an 'organigram' of the new government functions. We're going to get something like $25 billion in taxes that won't be paid to the federal government and will be paid to the provincial government and a number of programs of expenditures. The shape of the new government must be designed.

Thirdly, we obviously have to embark, if things haven't started before – and I'll try everything I can to have these discussions started before – on essentially what we maintain in terms of the economic links that we have with each other. In some cases things are now better perceived as being more or less automatic. What I mean to say is that I can't see anyone in Canada anymore that feels that, shall we say, full freedom of capital should be blocked within Canada. Nobody in his right mind is going to imagine that there could be barriers between Toronto and Montreal, free flow between Montreal and New York, Toronto and New York. If that ever happened, all that would happen is that financial transactions would take three or four seconds more and commissions would be taken in New York rather than in the two cities. Some things are pretty clear.

Others will take a decision by Quebec, and there again it takes some time before everyone understands that, for instance, if Quebeckers want to keep the Canadian currency, it will be for them to decide. Most politicians don't agree with me, and just about all technicians agree with me on that, politicians because often they don't want to, but technicians know this is a fact of life. If we want to have the same currency, that is for Quebec to decide. There are a number of discussions to be had, but always, always in the same process. What kind of economic links do we keep?

Then, eight or 10 months later, after the election, a referendum with a very clear and simple question, something of the kind of – and I don't give any assurances that the question will be of that kind, but something as clear as: are you in favour that Quebec becomes a sovereign country on that date? In other words, a referendum to do the thing, not just to declare intentions. Okay?

MR. HAWKESWORTH: You can correct my understanding on this if it's incorrect, but at some point before next October a decision is required under law in Quebec to be presented to the people of Quebec, either an offer from Canada or, I guess, a question similar to this one that I understand you'd be suggesting, some form of sovereignty association. Perhaps you could clarify that for me, and to what extent would a decision taken before next October by the people of Quebec be binding?

12:35

MR. PARIZEAU: That's the $64 question. What the law, Bill 50, says at the present time is simply this: that there will be a referendum on sovereignty. It doesn't say what the question will be, how it will be presented. All it says is that there will be a referendum, and not on federal offers. There will be a referendum on sovereignty by October of 1992. In other words, if the Premier wanted to postpone the referendum on sovereignty but still keep the idea, he would have to introduce a Bill in the House saying "replace October '92 by October '93." If he wanted to have a referendum during that time on federal offers, he probably would have to amend the Bill to say, "the referendum on sovereignty is replaced by a referendum on federal offers." In other words, if it's not a straightforward referendum on sovereignty by October '92, that law has to be amended. But he has a fairly large majority in the House at the present time, so there's no reason why technically he can't do that.

MR. HAWKESWORTH: Thank you.

MR. CHAIRMAN: Thank you very much.
Mr. Severtson.

MR. SEVERTSON: Thank you, Mr. Chairman. I've got a couple of questions. One, I'll just take the assumption that your analysis is that Quebec becomes an independent country and then use your snapshot or lock-in, when you went to income and expenses, that things wouldn't change. I would like to mention one area which is maybe small in overall terms. It's the dairy industry, where presently Quebec produces about 47 percent of the Canadian milk. In that case, if you're an independent country with a market supply management industry, Quebec dairy farmers would lose about 45 percent of their production. Another area would be in the area of civil servants. Presently, I believe around 100,000 people work for the federal government. If you became an independent country, I would presume that the majority of those jobs would be lost, so your whole economic lock-in or picture would change substantially.

MR. PARIZEAU: The lock-in we're talking about includes as employees of the Quebec government an equivalent number of those Quebeckers who at the present time work for the federal government. That's already included. The assumption here is that the Quebec government will hire those who at the present time work for the federal government. It's always been the assumption, for 20 years and for obvious reasons. It doesn't mean, of course, job security in the chair. It's obvious for, shall we say, an assistant deputy minister of external affairs: he won't practise his trade in Hull if he happens to be also someone who wants to work in Quebec and stay in Quebec. But again, in the calculations it's always in there, always.

The second thing, the milk quotas. Well, yes indeed, for industrial milk – Quebec has about 48 percent of the industrial milk quota. We know that, and so many people mention that everywhere in Canada these days. "Careful with respect to the industrial milk quota." I suppose one of the first things that could be put on the negotiating table would be something of that order, saying: "Well, let's settle that thing first. You're going to have an industrial milk quota much lower." I don't think it would be a good idea to single out one thing of that order and forget the rest. Once you try to open things up like that, you don't open one issue; you open all kinds of other issues. In spite of the fact that in that field there are no quotas, Quebec is a very, very large importer of western beef. Quebec is a very, very large importer – in fact, it's probably the major importer – of Ontario fruit.

So, you know, if some people get excited and try just to pull one thing and say, "Oh, that's a good case; that one is good; we can really badger them over the head on that issue," all I can say is, you know, trade is not run that way. Just think, for instance, that part of that quota of industrial milk, that is so large in Quebec in relation to its population, goes into processed products, a lot of which are made in Quebec. Do I get from your proposition that Canada would also prevent by some ways the importation of, say, cheese or yogurt, that sort of thing? Is that the sort of thing? If I have just one piece of advice to give you on this one, it's don't start having that sort of thing. One always knows where one starts, but the consequences can be so wide ranging that one is better, shall we say, to understand that the modern world is based on an exchange of a number of things.

MR. SEVERTSON: Why I brought that one up is that the market supply is one of them; the other issues are on a free market.

My second question – it interested me when you were answering Mr. Hawkesworth on the Canadian currency. You said that technically you could use our dollar. So technically could Canada declare that we're going to use the United States' dollar, then, since we're an independent country and so is the United States an independent country? If you're an independent Quebec, you say you can declare using the Canadian dollar, and there's no problem technically. I don't understand that.

MR. PARIZEAU: Simply this: the Canadian dollar at the present time is legal tender in Quebec. About a quarter of the money supply, and I mean bills and bank deposits, are in the hands of Quebeckers and are the main way in which one settles accounts. The banking system is fully integrated, geographically speaking, and it is through the banking system that the money supply is increased or lowered. So if Quebec says that in an independent Quebec the Canadian dollar is legal tender, money still flows from the Bank of Canada through the chartered bank reserves and the money supply increases as it always has, again in the proportion that is determined by the Bank of Canada. In other words, the monetary policy of the Bank of Canada continues to apply. There can't be differences in the money supply from one province to another any more than is possible nowadays, simply because these money flows would cancel out any minute difference in interest rates that would occur. All this was at a time when we thought there might be a possibility to have regional monetary policies in Canada. The Cairncross report of 20 years ago settled that issue once and for all. All that is required is that Quebec says: The Canadian dollar was legal tender; it is still legal tender. The mechanics of the thing just unfold.

12:45

MR. SEVERTSON: I'll leave it at that.

MR. CHAIRMAN: Thank you very much, Mr. Parizeau. I think we've now spent over an hour and a half in a dialogue with you. It has been very extensive. It's been useful, I think, for us as a committee to have had this dialogue and exchange. I think it has clarified in our minds, and I'm sure to listeners who are here in the audience today and those who are listening in in other ways, just what your intentions are. I don't think you leave any doubt in anyone's mind.

Having said that, without wanting to be inhospitable or ungracious to you as a guest in our province, I cannot say that we wish you well in your endeavour. Quite the contrary, because what we are talking about here is more than just tearing a piece of paper. We're talking about tearing apart a nation, a nation in which many of us, including myself, have a deep and abiding affection and love for Quebec as part of Canada. And if you for a moment assume that after the divorce things will go on just as they were before, I think you're sadly mistaken.

The debate and the dialogue which we've had today has been educational and informative for all of us, and it is a debate and dialogue which we must engage in as a nation. For those who say to put it aside, forget about it, let it rest for 10 or 20 years, I think those people who are giving us that advice are, like ostriches are allegedly presumed to do, hiding their heads in the sand.

Thank you for being here and exchanging with us your views, and I thank you for coming.

[The committee adjourned at 12:47 p.m.]

1:05 p.m. **Friday, September 13, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Colleagues and ladies and gentlemen, I think you should know that we have some sandwiches coming, but until they arrive, I think we should continue with our presenters, who have increased to five from three.

I call on Sheila Clayden. Welcome.

MRS. CLAYDEN: Thank you.

MR. CHAIRMAN: Go ahead, please.

MRS. CLAYDEN: My name is Sheila Clayden. First, I'm a Canadian; secondly, I'm an Albertan; thirdly, I'm a Calgarian; and fourthly, I'm fifth generation Irish immigrant.

I feel that no province should have special status over another in Canada, that all provinces should be equal.

On bilingualism. I feel that Canada should not have two official languages. I feel that English should be the first language. If people wish to have a second or third language, then it should be up to them to make the choice of what that language is. If provinces wish to use a second language, it should be the choice of the people in that province to determine which language they wish to use. Many of our provinces have other ethnic groups in greater numbers than French. Everyone should be encouraged to have a second language, but it should not be mandated by the federal government. A tremendous amount of money in Canada has been wasted by the forcing of the French language on all packaging, signs, et cetera.

I feel that education should remain under provincial control; however, I would like to see some national standard of grading system to enable students to move from province to province without being penalized.

On the triple E Senate. I think it should be part of the constitutional package. The Senate in its present form is noneffective. An elected Senate would be the best forum to ensure that regions of the country have a voice in decision-making. There should be a term set for each Senator and a time for retirement; the Senate should not be a place for people to be appointed for life with a big pension. There needs to be a minimum set for their attendance too. Senators need to be accountable for the position and the time or the lack of time spent on the job.

I would like to see a cap on immigration, particularly when many of those who immigrate become a burden on our health and social systems. We should get away from encouraging ethnic groups to remain ethnic but should be encouraging them to integrate into the Canadian culture. This doesn't mean that they can't keep their heritage, but they should become aware of the fact that they are Canadians. When they continue to be encouraged to continue their old ways, I don't think they ever gain a pride in Canada.

On social services. I think the provinces should be given more responsibility in the social services field. It's unfair for the central government to target some provinces for cutbacks and transfer payments, while not allowing them to use other methods of raising sufficient funding to cover these cutbacks.

On aboriginal affairs or rights. I think it's time we quit saying that we're sorry for the deeds of the past. This is Canada and time everyone in Canada was a Canadian. It's time the aboriginal people found out what it means to be a Canadian. If necessary, give them back their land, but with these land grants comes the right of every Canadian. We pay taxes, we pay for our children to be educated, we pay for licences, we work, and we take responsibility as Canadians. I really don't think we're helping our aboriginal people by continuing to pass out more and more money while they assume less and less responsibility for that money.

Again I think all provinces should be equal and that no province should have its jurisdiction altered or taken away without the consent of the province or the people of the province.

I think natural resources should remain under the control of each province.

On Quebec. I think Quebec should be encouraged to remain in Canada, but only if Quebeckers want to be Canadians. If they want to remain only as Quebeckers, then maybe they need to separate.

Finally, I feel we must get back to the concept of Canada as one nation, all equal. I think our biggest problems have come about because of regional, ethnic, and language groups each wanting their own power instead of working together as one nation. If we would think of Canada first and our province, our city, our origin secondary, we'd all be better Canadians.

Thank you.

MR. CHAIRMAN: Thank you, Sheila. You made a point with respect to the uniform standards of testing children in schools – education. I don't know if you're aware that the provinces unanimously agreed, including Quebec, to a system to be put into place to do just that, but within the last year the Ontario government withdrew its support from that particular proposal. However, at the most recent Premiers' Conference in Whistler, with discussions with the Premier of Ontario, he indicated quite clearly that they want to reopen that question and have some more discussion with the very goal in mind that you have suggested to us; that is, to come to an agreement amongst the provinces by which there would be standardized testing. I think that – if it succeeds, and I certainly hope it does – will go a long way to meeting the concerns that have been expressed many times in the course of our hearings. I didn't know if you knew that was in play at the moment, so I thought I'd just mention it to you.

MRS. CLAYDEN: No, I wasn't aware of that. Thank you.

MR. CHAIRMAN: Other questions or comments? Yes, Yolande.

MRS. GAGNON: Just quickly on the matter of immigrants. I don't know if you were here earlier today when the Calgary Multicultural Centre people were here.

MRS. CLAYDEN: No, I was not.

MRS. GAGNON: They gave us a number of statistics and so on to show that the arrival of our immigrants has been an economic benefit and not a burden – there are a few exceptions, but overall it's been a benefit – and that we should look at their presence here as a boost to our economy. I just wanted to make that comment.

I want to ask you a question. You mentioned right off the bat that there should be only one official language right across the country. You wouldn't apply that to Quebec, surely, where there's 7 million Francophones.

MRS. CLAYDEN: I still think English should be the first language, and as I expressed further down, if a province wants a second language as a second official language, that would be up to the province themselves. So Quebeckers would have the right to have their French as a second language, but I feel very strongly about English as the first language in Canada.

MR. CHAIRMAN: Any other questions or comments?

Well, we appreciate you coming forward and giving us your views. Thank you.

MRS. CLAYDEN: Thank you.

MR. CHAIRMAN: I understand Barry Rust is present. Yes. Would you like to take an earlier time slot than the one in which you had been scheduled?

MR. RUST: Sure. If it would be of convenience to the committee, that's fine with me.

MR. CHAIRMAN: We did run behind, as you're probably aware, because of Mr. Parizeau's lengthy discussions with us, so we're just in the process of trying to accommodate anybody who is here and wishes to make their presentation. Perhaps we could hear from you now.

1:15

MR. RUST: Basically, I guess what I have prepared, which was done on an informal basis, you either have in front of you or will. It's my intention to speak generally to the subjects that are written there. I was not particularly trying to follow any particular format or agenda. The reason I wanted to be present before this committee, after some considerable thought, was not a lack of access to expressing my views through the normal political process, since I've been involved in it for some time, but I have felt as a native Albertan and as I had suggested when involved in the process that I'm exceptionally concerned with the events that are unfolding in this country and the relationship of Alberta to Canada. I felt that what I particularly wanted to do is underline the importance of a position already adopted by this province with respect to provincial equality, and in particular a triple E Senate. Now, I also have views as to how certain aspects of the Constitution might be constructed, but I'll leave those to the normal democratic process.

I spent some 15 years in the publishing industry and will partly be speaking in relevance to two books: one, *Canada's Undeclared War*, which was published by my company this summer – it was written by the *Calgary Herald* book critic Kenneth McGoogan and refers basically to the cultural divisions in Canada – and also *Keeping Canada Together*, by Kenneth McDonald, which was distributed by Milestone and in fact distributed throughout the rest of Canada outside of Vancouver by my company.

For those interested in my prejudices, I am a past-president of a Liberal association, and I currently serve on the executive of a Liberal provincial constituency association.

I am particularly concerned that the history of western Canada is a history of reactive politics. It has basically been one of finding means by which we react against processes and concepts and legislation that come out of other parts of Canada. The last 25 years have seen an abundance of situations, primarily through the federal government combining the interests of Ontario and Quebec against other aspects or other parts of Canada.

I feel particularly that the suggestion and a principle that the current Alberta government appears to have accepted, that protection for Alberta can be found in a realignment of federal and provincial powers, is, in my view, fundamentally flawed. While indeed a transfer of power from the federal government to the provinces would reduce much of the authority of the federal government, which is answerable to Ontario and Quebec, it would nevertheless enhance the means by which those provinces could assert their authority either directly or indirectly. In short, in a country that's dominated by two provinces, granting greater provincial authority merely enhances the comparative position of those provinces. If some realignment is inevitable, and I would agree that it probably is, then it would also appear to me that the only possible balance can be a triple E Senate.

For those who are concerned about the current deficit in Ontario, it does not take a great deal of imagination to look at a comparable situation with a government with a similar attitude to what exists now: what the situation would be if that economy was twice its size. Granting more particular power and authority to Ontario would lead very, very quickly to exactly that if not more. The question then – and this government has expressed its concern in the past with the attempts of the Bank of Canada with respect to the overheated economy of southern Ontario. Imagine again doubling that and trying to suggest how, even if you had the right as a province to make your own trade deals, you would work with the value of the dollar, trade deficits, and a number of other things. In other words, what I'm suggesting is: the problems that have continually confronted this province and other provinces in western Canada would be doubly confounded and increased appropriately.

The worst case scenario I would suggest to you is a Canada that would be desperately in need of national co-operation in terms of business, environment, health, or educational concerns only to find its objectives are at variance with the perceived needs of Ontario. I was present last night, Mr. Chivers, when you approached some concern with respect to a national standard with regard to education and were worried that it would be the lowest common denominator. That would be a legitimate concern in my view. I would also suggest to you, though, that it would likely in many respects, even under existing operation standards in this country, be what Ontario wants and everybody else can adapt to it if they want a national standard. If not, Ontario will carry on as it is, thank you very much. I am suggesting that those who have experience running national organizations – and I do, in fact, have that kind of experience – only become too acutely aware of what happens when Ontario says no. I know that when you begin to tailor programs, you begin to look at them to see whether Ontario will buy them, because there's no point in even starting it unless Ontario is going to buy it. Immediately you recognize the bias; you're not even being fair, but in order to work with an existing reality, you have to do it. And Ontario: one cannot blame them; if the rules are the rules, they will play within the rules, but they are well aware of the power and the control that they have and govern themselves accordingly as well.

I'm suggesting to you that it is speculative whether a decentralized Canada, even with a strong, effective triple E Senate, will actually make this country work, but I am suggesting that if we don't have that kind of Senate, it will not work. With the projections for new social objectives to be entrenched in the Constitution, an ever increasingly litigious society, and the current structure of the Supreme Court, a Canada with increasingly irrelevant provinces outside central Canada is going to be inevitable.

Now, pressure indeed is going to be brought to bear on this province to accept a new vision of Canada which would primarily be based on the perceived needs of Quebec and modified through the demands of Ontario. I participated in 1961 at the University of Alberta in an exchange program of Quebec students looking at the views of the future of the province and the so-called quiet revolution at that time. I first confronted the concept of separatism and I've spent a good deal of my time both in terms of talking and working with Quebec people and also the so-called western separatists a decade ago. I fully believe that we can never give up on the country, but I do think that we finally have to position ourselves into a view of the kind of country that we want, the kind of country we think is workable, and stick to our guns, because there's very, very little point in working to save Canada if we end up with a structure that will eventually rend itself apart 25 or 30 years from now.

As far as Meech Lake is concerned I was never a great fan, but in the end I was prepared to accept it if only because I thought it would give us some time in which to work. I feel now that since that has fallen aside, we might as well put something together that will work, or give up on the cause. Therefore, what I'm saying to you is that Alberta must be firm. I believe we can afford to be flexible. There's nothing wrong with special arrangements in different provinces to meet special situations; witness the traditional use of Quebec civil law. We can afford to compromise. A refinement of Senate powers and procedures can be entertained, particularly those that would serve to protect Quebec's cultural, economic, and other interests. We can afford to be patient, given concessions on the substance of the view of Canada that will undoubtedly come in the next year or so from Ontario and Quebec, and I believe we can afford to gamble on the future of this country by accepting a Senate that isn't a triple E but at least has the capability of developing into a triple E.

I would do everything within reason to accept a Canada we might not think would work but at least has a chance at working to make sure that Canada is given every opportunity to work, but what I cannot accept, and what I suggest to you this province should not accept, would be any constitutional formation that would lock the door to a triple E Senate forever and in effect nail it shut. That would then doom the citizens of this province and the citizens to come and would be a mockery of the heritage that we have today. There can be no capitulation, in my view, on this point, and if meaningful Senate reform is to come or a Senate that is not acceptable to Alberta is forced upon us, then Alberta, too, would eventually explore all of its available options.

In my view, we will emerge as a nation only when and if all provinces and regions are subject to the disciplinary direction from a majority of people in the provinces; such is the rationale of federated states and the only means by which they can be successful.

I would like to just close it by giving you two particular directions. One does come from the book *Canada's Undeclared War*, by Kenneth McGoogan; you have it before you. This comes from an excerpt of a letter he is writing, but in my original letter I declared Quebec independence a nonstarter. I now think separation would be traumatic for all Canadians, tragic for Quebeckers, but it looms like the lesser of two evils; the greater would be the deconstruction of this country and the denationalization of Canada.

I've never been a great fan of American politics, but I do find myself occasionally attracted to some of its individuals. I've always been particularly attracted by a statement that was attributed to Robert Kennedy: some people look at the world as it is and wonder why; I prefer to look at the world as it could be and ask why not. I think that basically what we have to do with Canada is look at Canada not as it has been or even as it is but look at Canada as it can be.

A former colleague of mine and a colleague of some of you around this table, Tom Sindlinger, addressed western separatism some years ago by saying that Alberta doesn't have to leave Canada because Alberta can lead Canada. I still believe that, and I think we have. If we look at the existing Constitution, the impact of our former Premier is very evident there. If we look at what this province did a year ago with electing a Senator, I think we made an evidence that we can have a leadership role in this country, and I think the time for it now is greater than ever.

1:25

My dream, frankly, is a Canada that when the next national energy program comes – and believe me, eventually it will come – it is stopped, that it's stopped in its tracks in the Senate, and stopped primarily because the senior Senator of Quebec, if I can be given a little leeway to have such a thing, stands in his or her place and addresses the fact that it's unfair to the province of Alberta. Now, he or she may have been bought. There may be a tonne of IOUs out there; there may be a number of threats brought. Nevertheless, the point is that that Senator stands and speaks on behalf of Alberta. Whether it's the coffee shops of Rolling Hills, Two Hills, or Three Hills or the bars of Edmonton or Calgary, the subject that afternoon and evening would be: there's a Canadian; there's a guy that you never thought too much of before, but by George, he did something for Alberta and for the country. When it comes time to pay it back, when an Alberta Senator stands for something with regard to Quebec nationalism, likewise it will be accepted in this province. We may have just been paying our dues, but the debt was owed. That, I think, is when we start to become fully a nation of all peoples and all backgrounds. I look forward to the kind of Canada that it can be.

Thank you.

MR. CHAIRMAN: Thank you very much, Barry.
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Rust, you sort of admit, I guess, in your presentation that Ontario has a way of protecting what they see as their interests and holding up change. What do you think are the arguments that would convince Ontario that they ought to adopt a triple E Senate? Assuming that you were to get such a change in our Constitution, we would need either Quebec or Ontario to accept it.

MR. RUST: Well, you're right in interpreting my view. In fact, I'd go even further. I do consider Ontario to be the great villain of Confederation, not Quebec. Quebec is reacting, really, against the power of Ontario as much the rest of us are. In fact, they probably see the rest of us as being irrelevant, outside of Ontario, to be frank about it. I think the only argument that can be used is an argument of fairness. Is that going to accomplish it? No, I don't think so. It's a weapon that's to be used. In this case the weapon is Canada. If they want a Canada, they too have to play ball. I dislike the thought of attaining it by playing hardball with the future of our country, but the issues come along. We may wait another 25 or 50 years before we really have something that will be equally important to Ontario.

I think what I'm saying is that we're opening up all of the country and its constitutional processes for discussion, and now is the time. It's the threat to either torpedo or play a role in that, unless all provinces have a degree of equity, that I think would give us an opportunity. But beyond fairness, I can't think of another argument that's going to sway Ontario, and I have done a lot of thinking about it. I've never come up with one.

MR. HAWKESWORTH: Okay. Thank you.

MR. CHAIRMAN: Barrie Chivers and then Dennis Anderson.

MR. CHIVERS: Yes. Thanks for your presentation, Barry. It was very interesting. I don't disagree with your analysis of the lowest common denominator theory, but I think it has equal sway with the highest common denominator theory, that the province of Ontario, for example, can impose its will. I guess that really highlights the theme of your presentation here, the tension between representation by region and representation by population, and the solution you see is in the Senate. That, I suppose, is going to be one of the delicate tasks that we have to balance. You've sort of suggested, I take it, that although you would like to move towards a triple E Senate, you're prepared to accept something less than triple E. I'm just wondering if I construed you correctly and, if so, what that something less is.

MR. RUST: I don't know where you back off. In the end I suppose it's up to whoever is representing this province and makes the final decision, that being the Premier. Yes, I think that even Meech Lake in the end, or the final concessions, gave a Senate capacity that would have allowed all of the other provinces to have ganged up on Ontario and Quebec. Technically, it was possibly there. That's just a hair over the line, but maybe that's the line that . . . I would hate to have to settle for something that small. But yes, eventually at least something that does permit the rest of Canada to exert its will upon the two central provinces, if only in a negative capacity, by saying, "No, we won't have this."

A lot can be done with respect to powers. Indeed, as the government committee had recommended, there can be combinations of vetoes and suspensive vetoes, and I even think, really, a suspensive veto in the long run would work, would be sufficient. I don't mind bowing to democracy in the end if that's what it comes to, but the Senate has to at least be powerful enough to force them to know what they're doing and to recognize in front of the entire country that when they jam it down our throats, it's exactly what they're doing. That in itself is probably enough clout to actually ensure a degree of fairness in the political process.

MR. CHIVERS: So I suppose it would come down to doing some playing around with the effectiveness concept, what the jurisdiction of the Senate would be, and the equality concept, and coming out with some sort of a solution that is realistic in terms of being able to sell it in Ontario.

MR. RUST: Yeah. It wouldn't vary much with the equality. I think equality is equality, so I don't see too much room to play around there. Effectiveness will be debated, yes. There's always going to be a positive and a negative. Are you overselling the effectiveness, or are you underselling the effectiveness? Of course, as an Albertan you'd like to oversell it; as an Ontarian you'd like to undersell it. But at least there has to be enough punch there that it's really going to tie up the conduction of political process in this country. It at least has to have that much power so that it will come at the price of other legislation and a number of other things. I guess I perceive a veto for the Senate, but something that could be passed a second time by Parliament, and if it's passed by a sufficient majority, then it would be binding on the Senate provided a year or something like that had gone by, enough time to reconsider their whole position.

MR. CHIVERS: I appreciate your thoughtful analysis.

MR. CHAIRMAN: Thank you.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Barry, I appreciate your support for the triple E Senate. I chaired the committee which made the recommendation to the government. Just by way of comment, I think there is an argument for Ontario and Quebec, albeit not as strong as the argument for the rest of us, for a triple E Senate. Essentially, what I've found relatively effective there is a question to them of: do we need a sober second thought, another House? Secondly, isn't an equal share of something worth more than 24 of what we currently have? To some degree I've found that effective.

In any case, I got a little lost on your portion dealing with distribution of powers. I found intriguing the suggestion that giving powers to the provinces would give Ontario more authority. Are you speaking purely of devolving economic powers of some sort, or is there some other area you think that would be true in?

MR. RUST: The economic is probably the most significant, but of course the economic overlaps in so many different areas. You have the traditional case of the farmer cursing the CPR at the hailstorm, as the cartoon of many years ago.

In my own family, when Social Credit came into power in this province, they canceled all debt, mostly because it was supposedly owed by Ontarians. My grandmother was one of the people who had her bonds virtually rendered useless, eventually paid back some years later at face value but no interest. So what was powerful politically was in effect very unfair to a very long-serving citizen of Alberta who was stupid enough to invest in the future of her own province. There are many different ramifications that the economic one will overlap onto, but indeed there are others.

I think certainly the biggest concern is perhaps not that some powers cannot be looked at realistically and be determined as to whether they can best be handled at all provincial levels, but in such a fast-moving world one also wonders, of course, what the future might hold. A jurisdiction that seems well suited to one area today may not be for another. We do live in a democracy, and you have to allow future generations to make their own choices. But what you must have, I think, is a constitutional process that will permit those Canadians who live outside of Ontario and Quebec to have an equal part of that constitutional process. It seems to me that just having the triple E Senate will allow us to have enough political leverage that we can at least get our concerns addressed from time to time as they arise.

1:35

MR. ANDERSON: I'd agree that the triple E Senate will assist in that greatly. I guess when it comes to economics, at least if you accept the figures of Dr. Mansell or some of those, the net contribution Alberta has made to the country has been far greater comparatively than Ontario has made. Consequently, if you're taking the economic power to the federal level, at least by any historical measure, that is part of the result. I guess that's a balance that we have to reach somehow. I don't know if you have any comment on that.

MR. RUST: Just so I understand you, you're speaking primarily of the transfer of funds from Alberta to elsewhere throughout the country. It is far greater on both a percentage basis and an actual basis than is in the case of Ontario. How did you see that as representing balance?

MR. ANDERSON: No, I'm just trying to reconcile that and those dollars being centralized and redistributed through federal authority in the past as opposed to . . .

MR. RUST: Oh, I see.

MR. ANDERSON: If you're going to the provinces and delegating some responsibilities there, one would think that that would more easily keep the dollars within provincial jurisdiction, and therefore the economic clout. We're perhaps looking at different dimensions of the economy.

MR. RUST: I guess my concern would be – and maybe Petro-Canada serves a purpose. I'm just suggesting that at the moment as the kind of decentralization being talked about. I'm assuming that corporate structures would probably remain much the same as they are. One of the big arguments of Petro-Canada – it can be debated, the raison d'être for its formation. But what so many people forget is that in effect it was a form of socialization. Because it was a kind of socialism that was brought into Alberta, the real decisions for the original structure of Petro-Canada, not as it is now structured, were actually going to be made in Ontario, in Ottawa. You have effectively what was once a marketplace in which Albertans felt very comfortable and comfortable controlling the oil and gas industry and being a part of it, in the management that this entire city represents. You could suddenly see the potential for the whole thing by Calgary being rendered unimportant. The important things would be the banks in Toronto and the government in Ottawa if you had many more of those monolithic giants that had ended up being formed. I can still see companies being formed, chartered through the federal government, being basically owned by the province of Ontario or Quebec or something possible and operating elsewhere.

So I still see the danger of a powerful Ontario, no matter what form or structure, whether it came through the federal government or not. I'm not suggesting again that that be denied. I'm just suggesting again that the triple E Senate does represent both directly and indirectly the one weapon that we would have. In other words, if you get the ability to hit Ontario where it lives, they may form that company, but they may have some difficulty doing a few other things down the way.

MR. BRADLEY: I just had a brief question that comes from your brief. You say that we should be very firm with regards to triple E, that we should not capitulate on that question, and that we should make it clear that if something other than that is forced upon us, we should, as you say, explore all available options. What available options should we explore if we don't get triple E? What are you suggesting there?

MR. RUST: I guess I am suggesting that if the new Constitution is not based on a form of equity, then Alberta, too, can consider whether it would be better off as an independent country possibly, and I suggest in partnership with British Columbia. It can look at joining the United States. It has a number of other things. They, for the most part, probably would not be my choices.

What I am suggesting is that if some of this is accomplished which basically locks and nails shut that door that I talked about and it's done on 7, 50 as opposed to unanimity or something like that, then I think Alberta's obligations to Canada then also can be considered as being at an end unless we reconsider them and recommit to the country. But we should at least reserve for ourselves the option to withdraw and consider what the future significance is for our country. In other words, I see Canada as having every chance to operate, but I do not see Alberta as being a second-class citizen or province inside that country.

MR. CHAIRMAN: Well, thank you very much. I noted with interest your comment about the Social Credit government's actions back in 1935. Interestingly enough, many people I've met in my political career remember that. That particular government, while it was in office for a long time, certainly caused some opposition to be firm against them over the years. I just throw that in because I recollect very well discussing it with many older people that had been similarly affected.

MR. RUST: Well, I come from a long-standing Liberal family. I must concede that, but in a weak moment my father would admit to having voted for Social Credit in the first round in 1935.

MR. CHAIRMAN: Well, everybody did.

MR. RUST: He promptly devoted the rest of his life to getting rid of Social Credit.

MR. CHAIRMAN: Well, they're gone.

MRS. GAGNON: I have one very short question. Barry, you didn't mention anything at all about any types of reform. Without going into it in great length, do you see any kind of electoral reform or legislative reform that we should engage in in order to deliver better service to people who now feel quite alienated from politicians? I know I'm raising another issue, and maybe we can explore it another day.

MR. RUST: Sure. Basically, most of what has come up . . . I did assist Tom Sindlinger for a brief period of time in forming a new party almost a decade ago. Most of the things that we looked at and that were a part of our platform are now somewhere around; somebody's got them somewhere. If it isn't the Reform Party, it's a part of the mainstream parties. Everything from free votes, again, to the Senate reform question and a number of things. I think they're all workable and viable. They should be done. As I suggested at the outset, I have my views on them, but they probably don't carry any more weight than anybody else's does. I'm just particularly concerned that I wanted to address this committee on terms of equality.

I think recall is ridiculous. I think that's about the only one. I guess if the public wants it, we might have to accept it. Beyond that, I don't have views that are terribly unique in any structured way.

MRS. GAGNON: Thanks.

MR. CHAIRMAN: Thank you very much for coming forward and sharing your views with us today.

MR. RUST: Thank you, Mr. Chairman. I appreciate the time of the committee.

MR. CHAIRMAN: Ladies and gentlemen and presenters who are waiting, if we could possibly take 15 minutes for the members of the panel to have a sandwich, I hope you don't mind. We have gone through the lunch hour, and we're much nicer people if we've had a little something to eat. So I hope we can adjourn for 15 minutes and then come back at 2 o' clock.

[The committee adjourned from 1:42 p.m. to 2:02 p.m.]

MR. CHAIRMAN: Thank you for your patience while we had a slight reinfusion of some food.

I'd like to ask Mike Dickerson if he would come forward now. Welcome. Please go right ahead.

MR. DICKERSON: Well, as I've grappled with the topic of the Constitution, I've learned just how complex it is, and I expect the committee is learning the same thing. As I review my notes, however, the words that seem to jump out most are "responsible" and "accountable." I guess that's the central message I'd like to leave you with today.

I'm going to discuss briefly some of the problems Canada faces today, the role of our Constitution in them. I'd like to review some of the good points in our present Constitution. I think that's something the committee may not have heard before. I'd also like to review some of the problems and talk about some directions for improvement.

In Canada today we have a crisis of confidence. Our institutions, especially our governments, are struggling to meet a great number of demands from various interests in society with increasingly strained resources. Public dissatisfaction is rising. The financial position of the federal government undermines the Canadian economy, and the separation of Quebec would be a serious blow to Canada's stability. What is the role of the Constitution in this? The Constitution simply sets the ground rules for a nation to work out its political questions. The political stability which is thus created is the precondition for economic and social progress. Constitutional change, therefore, is a necessary first step for solving Canada's pressing political, economic, and social problems.

Some of the good points of our present Constitution. It's often been said that where other countries have too much history, Canada has too much geography. This country has many diverse regions, and balancing the interests of these regions has never been easy. Nevertheless, in the 124 years since the British North America Act became our Constitution, Canada has grown from a struggling colony to one of the most respected, even envied nations on earth. Now, I think some features of our Constitution helped to make this possible.

First of all, Canada is a democracy. Our leaders are answerable to the people. Our decision-making is decentralized. We have strong and equal provincial governments, which keeps decision-making close to the people and provides the flexibility needed to serve the needs of different regions. Within the federal government there is regional representation so that all parts of the country should have a voice in determining the national interest. Altogether this is a very responsive system where people have a clear voice in choosing the leaders who will make the decisions that affect them.

Now I'd like to talk about some of the areas where perhaps we've strayed from the strong points of the original model and where improvements stand to be made. The authors of the British North America Act did well, but they could not foresee all the new responsibilities taken on by government in our complex modern society or that some governments would try to act outside their proper jurisdiction. Over the past 25 years the federal government has increasingly encroached on provincial areas of jurisdiction. This has led to intergovernmental conflicts, overlap and duplication of services, financial strains on the federal government as it has tried to finance these new services, and financial strains on the provincial governments when the federal government has been forced to reduce its support for shared-cost programs. Oftentimes federal governments have ignored the voices of regions outside central Canada or deliberately created divisions by attacking other levels of government. Another source of conflict within our society is the increasing tendency of special interests to seek advantage by trying to solve political problems through the courts instead of using the political process to work toward workable compromises. The adversarial nature of the court system means that conflicts are inflamed instead of solved.

Recommendations. Constitutional change should focus on spelling out more clearly the responsibilities of the two levels of government. Government should concentrate on running its own business better instead of trying to run everyone else's. Areas of responsibility such as health care, social services, and natural resources should fall solely within the domain of the provincial governments, with sufficient taxing power transferred to the provinces so they can support the shared-cost programs. Each province then has the flexibility it needs.

Many of the newer areas of public concern logically fall within the provincial domain. Environment is a prime example. There is a need for greater interprovincial co-operation. Minimum standards in areas such as education can be co-ordinated between provinces. The regions of Canada need better representation in Ottawa, and a reformed Senate could be a perfect means to accomplish this. The present Senate is almost totally useless and, as we have seen, a clear threat to democracy.

Our legal system is structured to decide on narrow questions of right and wrong, not on broad and complex political issues where there can be right and wrong on both sides. The issues call for conciliation and compromise, not legal confrontation. I would note as a comment that I think we've seen examples recently of contentious issues being dealt with by the courts and being dealt with in a way that really doesn't solve a problem; it simply continues. A judge's legal training is primarily technical in nature, and our judges are not equipped to decide political questions. Even if they were, they are not accountable to the people.

I think it's clear that in Canada at all levels we face some tough choices. Those choices can only be made and seem to be made fairly if people realize they have had input into those choices through the election of their governments and if they realize their governments are going to be clearly accountable to them for what is done.

In summary, a Constitution which puts responsibility for solving problems where it belongs is the first step to solving Canada's problems. Compared to many countries, Canada has been remarkably successful, in large part due to the wisdom of the Fathers of Confederation. We must return to and reinforce those aspects of our Constitution which bring decision-making close to the people. We sometimes hear the view that a large, aggressive, big-spending federal government can somehow buy unity for the country. This view is false. We have never had federal governments which have spent more than present federal governments have, and we have never had less unity than we have had in recent years. This approach has been tried and it has failed.

In conclusion, I'd like to return to the subject of responsibility. I've talked a great deal about government responsibility, but if I may, I'd also like to talk about individual responsibility. Democracy will never work without an informed and committed public. There are too many people who do not give our system the support it deserves. I think we need more public input, and I'd like to commend the committee members for providing the public with this opportunity to come forward and speak. Finally, I'd like to thank the committee for their attention.

MR. CHAIRMAN: Thank you very much, Mike. It's kind of refreshing to hear somebody say things that aren't all that bad in terms of our Constitution and that it has indeed served us well and brought us, as you say, to a position of envy amongst other parts of the world.

Bob Hawkesworth had a question.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Thank you, Mr. Dickerson, for your comments this afternoon. If I understood them – and maybe I'll tell you what I think I heard, and you tell me if I heard it right – in Canada we have a division of powers laid out in the Constitution. The federal government in recent years, through its spending power, I guess in a sense has intruded – some would say made its presence felt – in some areas that have been exclusively under provincial jurisdiction in the Constitution. Notably, the Canada Health Act is one example, but there is established program financing and so on.

MR. DICKERSON: There are countless examples.

MR. HAWKESWORTH: There are countless examples, exactly.

What I hear you saying in your presentation is that the provincial governments should take over their exclusive jurisdiction which they have in the Constitution and the federal government should sort of remove itself and the taxing power used to finance its participation would then be turned over to those provinces. Was I getting the gist of what you were . . .

MR. DICKERSON: That's the gist of it, yeah.

MR. HAWKESWORTH: One of the concerns some Albertans have expressed about that is that not all provinces have equal wealth to tax. Alberta, maybe because of some accidents of geology, has great natural resources, and other provinces such as, say, Prince Edward Island or Newfoundland don't have the same base. So even if a taxing authority were equally transferred to provinces, provinces wouldn't be able to raise on their own the same degree of income to pay for those services, so that over time there might not be equality of opportunity or equality of citizenship in a real sense, depending on where you live, because your province doesn't have the money or the wealth to provide the services some other provinces might be able to provide. What's your response to that kind of concern?

2:12

MR. DICKERSON: I think it really cuts both ways. There may be instances where certainly a province is helped to provide a service it wishes to provide by federal assistance. But there have also been examples where, in the case of shared-cost programs, a province might have other priorities. Particularly, a province which is not wealthy may have a limited amount of money to spend. The federal government did come forward in the past and said, "We will pay for 50 percent of this program if you will pay for the other 50 percent." The province may have great difficulty finding that other 50 percent, and it may have to curtail programs that it feels are of greater priority in order to share the cost of that program. It now finds that the federal government is increasingly moving out of funding those shared-cost programs, and the province is now really stuck in a hard place. So, yes, there's an argument to be made, but I think there are arguments on the other side. I think also that probably if we were to take a look at our tax system and the way we divide federal and provincial taxing powers, there are some things that could be done on a technical basis there which would help to even things out. But that's primarily a technical problem more than a conceptual one.

MR. HAWKESWORTH: Would you agree, though, that one of our national objectives ought to be in the areas of social services, health care, and any number of these program areas or jurisdictional areas, that as a nation we should be concerned about ensuring equality of opportunity across the country, that you shouldn't necessarily be penalized simply because of what particular part of the country you might happen to have been born in?

MR. DICKERSON: Yeah. Again, though, it cuts both ways. I don't believe that I as an Albertan should necessarily dictate to somebody in some other province, through the federal government or through whatever other means, how they should be spending their money. I've used the expression "tough choices" and I've used the expression "responsibility." I think governments at all levels are facing increasing demands on limited resources, and they're going to have to look carefully at the trade-offs in terms of: if we fund more social services, does that mean we can't fund better education? If we fund more education, does that mean we have to cut back someplace else? I really don't think it's fair for somebody outside that jurisdiction to make those choices for them.

MR. CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Mike, I appreciated your presentation. I thought it was very well thought out.

MR. DICKERSON: Thank you.

MR. ANDERSON: Further to Bob's questions, do you have an opinion on equalization payments, and if you agree with them, is that a possible way of helping the less populous provinces or the less affluent provinces without dictating priorities?

MR. DICKERSON: Yeah, I think you may have a good point there. I think whatever is done in terms of governments, the lines of responsibility have to be clear so that one government doesn't get blamed for the mistakes, errors, or omissions of another government. We have to be very clear as to who is responsible for what. If we continue to have equalization, as you say, it should be taken as far as possible out of the political football framework so that equalization doesn't become an excuse for certain pet projects of a certain federal authority, doesn't become something that comes and goes so that a province can't plan its finances, not knowing how much support they're going to get from the federal government.

MR. CHAIRMAN: Thank you very much for your presentation, Mike, for coming forward and for waiting for us, and as I say, for some confidence in this battered document, that has done a pretty good job, really, when you think of it.

MR. DICKERSON: Thank you.

MR. CHAIRMAN: Darwin Cronkhite, please.

MR. CRONKHITE: Bonjour, mesdames et messieurs. Je suis canadien seulement, n'est-ce pas? Good day, ladies and gentlemen. I'm a Canadian only, okay?

When we talk about Canadian unity, perhaps it's best to consider how the second largest landmass country in the world came into being. We might also consider the disintegration of the largest landmass country in the world, the U.S.S.R. Why has Canada survived to this date and the U.S.S.R. is falling apart? Perhaps the secret lies in the Canadian ability to compromise as compared to the inflexibility of the Kremlin. To Mr. Gorbachev's credit, he's tried to correct the Soviet system along democratic lines, but even radical surgery may be insufficient to cure the cancer of Communism. We must all wish the reformers in the U.S.S.R. well. After all, without the aid of the U.S.S.R. during the Second World War, of which I'm a vet, we the free world could have fallen under the fascist regime of Nazi Germany or the Axis powers of Germany, Italy, and Japan.

Let us go back in time to the first benchmark in the evolution of Canada. At the beginning of the 18th century there had come into existence in the new world a group of European communities whose character and interests were already different from those of the mother countries. A trend was developing towards responsible government and retaining in large measure the wealth generated in the colonies as compared to exporting the wealth to the European mother countries. In 1763 the British conquest of New France placed Britain in control of the whole eastern half of the North American continent. The British felt that the French traditions, language, and French civil law would best serve the interests of the French colonists. This change in attitude from purely an assembly and English laws governing colonies came about by the recommendation of Governor Carleton, who expressed his opinion that the colony would remain French to the end of time. The colony was Quebec. Carleton wanted to satisfy the aspirations of the French leaders, the clergy, and the seigniors.

In 1774 the Quebec Act came into being. It confirmed seigniorial tenure, granted full rights, including collecting tithes for the Catholic Church. It introduced English criminal law and left French civil law in force. Instead of an elected assembly, power was vested in a governor and an appointed council on which French Catholics were allowed to serve. In addition, the British extended the boundaries of Quebec westward to encompass a huge territory bounded on the north by the Hudson's Bay Company, to the Mississippi River and southwards to its junction with the Ohio River, northwards to the proclamation line of 1763, and eastward to Nova Scotia and the Atlantic coast. Of course, the American revolution came along, and the southern boundaries were adjusted to present-day Canada/U.S. boundaries.

In the autumn of 1775 U.S. General Montgomery advanced by way of Lake Champlain and captured Montreal, and Benedict Arnold set out through the main wilderness to surprise Quebec. Both forces joined up but were beaten on December 31 of that year. In the spring of 1776 Carleton drove the invaders from Canada. In 1777 Burgoyne was defeated. Later on, the Americans proposed a joint American and French attack on Quebec and Nova Scotia. Nothing came of it. The two provinces were still under British rule. Canada now faced a new independent neighbour to the south and a new province. Not all agreed with the American revolutionaries. Some 40,000 Loyalists came to Nova Scotia, overwhelming the original population and giving birth to the new colonies of New Brunswick and Prince Edward Island. Another 10,000 settlers arrived in Canada during the decade following 1781.

2:22

The influx of the new settlers created new problems. The Quebec Act had envisioned only a handful of English; however, English Protestant settlers were flowing in. The English business community was dissatisfied with French control, the French habitants were dissatisfied with the seigniorial system, and the fur traders were pleased with the vast expansion of Quebec. The French leaders opposed the Assembly on the grounds that it would be a taxing machine, but taxes were going to be imposed anyway. The British decided to avoid the mistrust which had resulted in the American revolution and give Canada responsible government.

To address these problems, the Constitutional Act of 1791 was enacted. Quebec was split into Upper and Lower Canada. The French retained all the privileges they had gained under the Quebec Act. The English in Upper Canada were free of the seigniorial system. Both provinces were given elected Assemblies. Protestantism was encouraged to balance the position granted Catholicism under the Quebec Act. It was thought that the French would be moved to abandon their old ways in order to share the benefits enjoyed by their neighbours. This met with only limited success, and I'd say it hasn't met with much success to today.

The system worked adequately so long as there was no serious opposition between the appointed and elected branches of government. Serious conflicts developed in the east colony between the legislative and the executive council and public opinion, expressed through the elected Assembly. The party which controlled the councils was able to block attempts by the Assembly to pass major reforms. Lower Canada was the first to challenge the system. English merchants, particularly in Montreal, resented their separation from Upper Canada. They wanted commerce, canals, and improved navigation on the St. Lawrence. The French preferred agriculture rather than commerce. They feared the influx of English settlers, and they didn't want habitant taxes to go toward canals for the benefit of the English merchants.

Control of tax moneys became a major concern in 1819. The Assembly sought to bring all taxes under its control. Differences also had arisen in Upper Canada, but not complicated by racial problems. Due to the War of 1812 with the U.S. – and Canada won this war – U.S. settlers were regarded with suspicion, and pioneers began to feel that the government was neglecting them in favour of the merchants and the moneyed classes.

In 1828 the British government appointed the Canada Committee to find some solution. In Lower Canada Louis Joseph Papineau emerged as a leader whose aim was unrestricted control over finances. In 1834 some 92 Resolutions were forwarded to the home government, but no action was taken to implement them. In 1836 Upper Canada followed Lower

Canada, refusing to vote funds. In 1837 a rebellion of sorts occurred. It failed.

The British government was awakened to the seriousness of the problem, and Lord Durham was selected to remedy the problem. Lord Durham felt that the real root of the problem was racial and there was no hope of reconciling the French and the British. Durham recommended union of the two Canadas, responsible government, and the definite separation of local from imperial matters. In 1841 the provinces were indeed affected.

Problems continued. In 1849 the Parliament houses were burned in Montreal. Racial and political problems continued to plague Canada. By 1867 a Confederation between Upper and Lower Canada occurred, and in the aftermath Nova Scotia, New Brunswick, and Prince Edward Island joined. The Constitution was to be federal and not unitary, similar in principle to that of the United Kingdom.

In 1869 Canada purchased Rupert's Land from the Hudson's Bay Company. In 1870 Manitoba was added to the first new provinces of the Dominion of Canada. In 1871 British Columbia joined, and the dominion stretched from sea to sea. In 1905 Saskatchewan and Alberta became new provinces. In 1949 Newfoundland joined.

We must also take into consideration the actions of Louis Riel. Unfortunately, the Canadian government did not prepare the population for changes resulting from the purchase of Rupert's Land in 1869. The Metis in the Red River area of Manitoba were afraid that their land titles would not be respected. The result was the Louis Riel rebellion of 1869. It was suppressed by 1870. In 1885 an armed revolt started in the North-West Territories, with the possibility of a general Indian uprising. Louis Riel had returned to Canada and established a rebel government a few miles downstream from Saskatoon, at Batoche. The causes were similar to the first Riel rebellion. A military contingent from eastern Canada suppressed the uprising, and Louis Riel and 10 Indians were hanged.

Canada has participated in two major wars – namely, the First World War and the Second World War – the Korean war sponsored by the UN, and recently the Iraqi war. Canada has participated in peacekeeping missions and efforts to relieve world hunger. Canada is well respected in the international community. Canada became an independent nation in 1967.

Perhaps this background will help one to understand Canada's present difficulties. Separation: is it a myth or a genuine concern? A clear-thinking Canadian must take the breakup of Canada as a national disaster. Can Quebec consider its present boundaries as sacrosanct? I don't think so. Is Canada negotiable? I don't think so. Too much Canadian blood has been spilled protecting our freedoms. Are we headed for a military showdown with Quebec? Perhaps. The Americans fought a civil war when the south decided to secede from the north. Former Prime Minister Trudeau approached the FLQ problem by declaring the War Measures Act. Are not all parts of Canada affected by sedition? If not, why not? Even with a peaceful separation, would there not be a destabilizing effect on the whole of Canada as we know today? Canada has an obligation to protect the rights granted to their aboriginals. Do they wish to live under the Quebec umbrella or a Canada? After Oka what can we say? What about transportation? Do Canadians have to have passports to cross Quebec and vice versa: do Quebeckers require passports? What happens to the French minority outside Quebec and the English and other minorities in Quebec? Do we rewrite the 200-mile limit off the east coast to include fractionalization? What happens to the military? What happens to Canadian currency? What share of the national debt belongs to Quebec? What happens to government of Canada installations in Quebec?

For anyone that thinks a peaceful transition of power can be accomplished, I would say they are dreamers. Neville Chamberlain was one of those men. He thought he could appease Hitler. It didn't work, and the Second World War, 1939-1945, became inevitable.

What's to be done? Everyone having a basic knowledge of Canada knows that Quebec has certain distinctive characteristics, such as language, cuisine, and culture. Quebec has also helped build Canada. Quebec has produced numerous Prime Ministers of Canada. Quebec wishes to entirely control its finances. Clearly, it is difficult for me to understand bienvenue when French-only signs are permitted on the outside of buildings in la belle province. Quebec should remember that the blood of other Canadians was spilled in France and two world wars, which assured freedom of France from Germany.

What kind of government should the new Canada envisage? With some modification to the present federal system, I think our national interests are best served. I'm a strong believer in the triple E Senate. I doubt very much the hated GST would have passed a triple E Senate. It is up to men of goodwill to rectify the problems of Canadian unity. Compromise is indicated; otherwise, the results could be disastrous. Je suis canadien seulement. Et vous? I am Canadian only. And you?

2:32

MR. CHAIRMAN: Thank you very much for your excellent review of the history of Canada and the enumeration of the issues which face us. I think all members of the committee are grateful to you for having reminded us of some of these facts of our past.

Are there any questions or comments? Yolande.

MRS. GAGNON: I don't know if you were here earlier today when Mr. Jacques Parizeau presented his . . .

MR. CRONKHITE: I saw Mr. Parizeau down in the media room.

MRS. GAGNON: Some of the questions that you asked we actually were able to ask him, which was a good opportunity.

I want to pursue a little your idea of compromise and ask what you would think about, for instance, minority education rights in Quebec and in Canada. At the heart of our Charter is article 23, which is the great compromise of all time, or at least it was considered that when it was enacted. Would you support a continuation of those minority rights in Quebec for Anglophones and in the rest of Canada for Francophones?

MR. CRONKHITE: Well, I believe we are all born equal. When I enlisted in the RCAF in the Second World War, they said, "What nationality are you?" I said, "I'm a Canadian." They said: "No, no. You can't be Canadian. You have to be something else. What are your racial origins?" I told them, "Well, Dutch on my father's side and Scottish Irish on my mother's." We have this stupid census that comes around, and it still asks me the same questions: what nationality I am, my racial origins. I don't think it's anybody's business if you're black, green, blue, or pink. It's your name that counts and where you were born.

So I would say that if you're speaking minority rights for all Canadians, it does have a limitation attached to it. For instance, minority rights if you happen to be a Philippino or a German or a Russian would apply if you needed an interpreter in court. Because we're a bilingual country, I would say that equal access to English and French applies clear across Canada. I'm particularly disappointed that if I go down to Quebec, I have to read French-only signs, whereas I can go over here in Calgary and can read Chinese signs. I don't understand them, but I see them there. Does that answer your questions?

MRS. GAGNON: Yeah, I think so.

MR. CHAIRMAN: Well, thank you very much, Mr. Cronkhite. It's been a heavy day for our committee in many respects, but it is refreshing to hear from the last two presenters that with some minor modifications that you have suggested without being specific on them that this Constitution has served us pretty well, has brought us through some difficult times and to a place in time where the people of Canada are pretty well served.

MR. CRONKHITE: I think that's basically right, Mr. Horsman. I believe in Canada. That's why I went to war. I don't necessarily follow and believe in how the U.S. operates, because I lived down there for three years. I'm the only one from a school where seven of us joined up who came back without being either dead or wounded. So we have a big investment in Canada.

MR. CHAIRMAN: Well, thank you very much and for your heartfelt belief in this country of ours. I think that is shared by every member of this committee and I'm sure by every member of the Alberta Legislative Assembly. Thank you very much.

MR. CRONKHITE: Thank you very much.

MR. CHAIRMAN: We're adjourned. I thank the members of this panel. I guess I'm joining the other group for the next set of hearings, so thank you all.

[The committee adjourned at 2:36 p.m.]

Legislative Assembly of Alberta

The 22nd Legislature
Third Session

Select Special Committee
on
Constitutional Reform

Subcommittee B

Transcript of Public Hearings

Volume II

September 23 to 27, 1991

Legislative Assembly of Alberta

The 22nd Legislature

Third Session

Select Special Committee on Constitutional Reform

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9:05 a.m. **Monday, September 23, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Good morning, everyone. I'd like to start on time because, looking at our agenda today, I see that we have a very full day with a good number of presenters. I'd like to first of all introduce myself. I'm Jim Horsman, the MLA for Medicine Hat and chairman of this select special committee of the Alberta Legislature.

This starts the final week of public hearings with respect to our position on the Constitution, and this is a panel of one-half of the members of the select committee itself. The other panel met during the week of September 9, so we have a different group in place. Gary Severtson was there last time, and I'm acting as chairman for both sessions because the deputy chairman is away, unable to be with us for either of those weeks. So I'm going to be looking forward to this process as well.

I'd like to commence by having my colleagues briefly introduce themselves. I'll start on my left.

MR. CHUMIR: Sheldon Chumir, the MLA for Calgary-Buffalo, the constituency in which we presently reside, and a graduate of grades 6, 7, and 8 of this premise, as it used to be McDougall school. Welcome.

MR. CHAIRMAN: Thank you for having us in your constituency and in your old school.

MR. McINNIS: Those were five of the best years of your life too.

MS BARRETT: Well, good morning. I'm Pam Barrett. My riding is in the inner city of Edmonton; it's called Edmonton-Highlands. Also, I'm the House leader for the Official Opposition New Democrats.

MR. ROSTAD: Ken Rostad, MLA, Camrose.

MR. McINNIS: John McInnis, MLA, Edmonton-Jasper Place.

MR. SEVERTSON: Gary Severtson, MLA, Innisfail.

MR. CHAIRMAN: We'll also be joined by two other colleagues later on today, but I would like to proceed and, in doing so, encourage the presenters to use their time efficiently and if at all possible to conclude within 15 minutes.

I'll call first on Harvey Buckley. Good morning.

MR. BUCKLEY: Good morning. Mr. Chairman, for my 15 minutes I have copies of what I wish to say, so possibly . . .

MR. CHAIRMAN: Oh, I should have introduced our secretary, Garry Pocock, who will help us out and has been helping us out during the past few months of this process.

MR. BUCKLEY: Possibly, Mr. Chairman, I would like to read through it. Is that appropriate?

MR. CHAIRMAN: Yes, certainly, whatever you wish to do.

MR. BUCKLEY: I think my comments on this would take five or six minutes. I do appreciate the opportunity to make comments on this issue we have before us today. I believe the following points are very important if a new Constitution is to be found.

History tells us the idea of retaining the monarchy stems from the BNA Act of 1867, when the existing provinces of that day expressed the desire to be united into the Dominion of Canada with a Constitution similar in principle to the United Kingdom's. As I understand, the United Kingdom's Constitution is not written down, but it rests on the fact that every citizen is free to do anything that is not prohibited by the law of the land. The retention of the monarch in our Constitution gives us a unique symbol, institution, or common sense of pride that we as provinces today, similar to those provinces of 1867, wish to function under, a common democratic system of self-government, expressed at that time and still being expressed today. We as Canadians can be proud of our land and our people. There is a continuity represented by our Governor General that cannot be replaced by flags, people, or written documents.

Canada is a very diverse country, both in its people and its land. The expanse is enormous. Obviously, the provinces and territories that make up today's Canada need an amending formula to cope with constitutional change. The principle that all provinces are equal must be maintained, and I would be hard-pressed at this time to improve on the existing formula that requires approval of at least seven provinces representing 50 percent of Canada's total population. This formula also gives provinces the right to opt out of any amendment that takes away from legislatorial powers, proprietary rights, or any other rights and privileges presently held. The recognition that all provinces are constitutionally equal is very important.

As an Albertan I truly support Senate reform, and any reform must incorporate the original triple E, being elected, equal, and effective. Albertans have already demonstrated support for this issue by sending the first democratically elected Senator to Ottawa. The Senate as it operates today does not represent the views of regions or provinces.

Under the area of jurisdictional issues, if provinces are to develop their resources on a basis of being able to function effectively within the global community, these provinces and, therefore, their people must have the control to develop and sustain the infrastructures necessary for social and economic living standards. Canada is one of the world's largest trading nations, and as the provinces develop their diverse resources, it is only reasonable that these same provinces should be active and take part in trade development. By the sheer vastness and diversity of our country we must decentralize as much as possible. Certainly we need a national government, and national standards need to be set; however, this can be achieved on a federal/provincial consultative basis.

The agricultural industry, which I'm familiar with, is experiencing the problem of national institutional bodies that are unable to compete effectively on the world scene. I'm sure there are other industries experiencing the same scenario.

Continuing provincial control over education is of paramount importance. This allows for greater sensitivity to local social, cultural, and economic issues. The challenge for us to operate efficiently and effectively as a nation is to be able to respond to our diverse regional needs. As provinces have control over their natural resources, it is important that provinces are able to develop effective environmental legislation to address these concerns as the resources are developed. However, certainly it seems that the federal government needs to play an important co-ordinating role here. Surely as Canadians we are capable of meeting the challenge of designing a Constitution to address all the concerns of the various interest groups. It seems to me we should bring democracy closer to the people.

One of the methods of getting people more involved is by the use of referendums. Guidelines need to be established, with goals and objectives so that the use of a referendum is meaningful. People could respond in a simple manner to major issues. An informed electorate will make the correct decision. I believe that the pursuit of special interest groups who believe they should have special status is counterproductive to the constitutional process. Can we not learn from the global media that demonstrates to us the people in the European community, who are forming an economic union and are now struggling with the task of finding a common ground for those social and political issues? These issues are of far greater magnitude than ours, yet they seem determined to resolve them. I believe we only need to look at the turmoil in Russia today to see what happens when government is too far removed from the people.

The system of government we create for ourselves is only as effective as the people who take the responsibility for it and the effective leadership needed to guide it. We must look to ourselves to provide these two crucial elements. We have the freedom to do it, but freedom should not be taken for granted. We must continually work to maintain it generation after generation. People equate the right to vote with a free society. This is not necessarily so. Free nations can devour their freedom with too much government. We ourselves must take our own personal responsibility for freedom and our system of government.

I believe the points I raised will go a long way in giving us the Constitution that Canada needs to develop a strong sense of identity and grow into the 21st century.

9:15

MR. CHAIRMAN: Thank you very much. If any members of the panel have any questions or comments, I'd like them to direct them to you now.

Yes, John McInnis.

MR. McINNIS: I have one question, Mr. Chairman, through to Mr. Buckley. The comment about provinces having control over natural resources but you wanted the federal government to play a co-ordinating role: I wonder if you could expand on that a little bit. Are you thinking about a way to iron out the jurisdiction between the two levels, or are you thinking that the federal government needs to have greater responsibility for environmental protection under the Constitution?

MR. BUCKLEY: I think what I had in mind there was that I'm talking about a co-ordinating role. Certainly, as resources need to be traded in the world community now, the federal government needs to have jurisdiction today over our trade relations. As far as the environment is concerned, I think you need a coordinating of standards where the same problems exist. Certainly, in my view, we have such a diversity. I'm sure the cod fishing industry isn't a high priority in the province of Saskatchewan, if you understand what I'm saying, as an environmental concern.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Okay.

Other questions or comments? Yes, Gary Severtson.

MR. SEVERTSON: Thank you, Mr. Chairman. Mr. Buckley, you mentioned referenda. You said that guidelines need to be established, with goals and objectives to be useful. Do you see this being used by provincial as well as federal governments and, if so, with a simple majority? How would you use a referendum?

MR. BUCKLEY: I see it being used on both levels. That's correct; I do. When I say guidelines are needed, I think the only downside I see to referenda is that they can become too frivolous. That's why I think legislation needs to be formulated so that they are very meaningful. The word "meaningful" is important. Also, they need to be, shall we say – I was trying to use the word "simplistic," which maybe isn't a good word – very meaningful, where people clearly understand what the issue is and what the ramifications are. I think you need that type of caution on these referenda, but I think referenda are excellent. It makes people become involved, gives them a voice.

MR. SEVERTSON: As you're aware, we had a referendum in the '40s which divided the country; it didn't unite the country at all. It was very divisive, the referendum on conscription.

MR. BUCKLEY: Well, I think when you're referring to a simple majority, if you have a 55-45 split, that doesn't tell you anything. I think with referenda you'd have to set a minimum of 60-40. Maybe it would have to be 80-20, something to that effect. It would have to be more than a simple majority.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Just a brief comment if there are no other questions. You mention on page 2 that the agriculture industry, which you are familiar with, "is experiencing the problem of national institutional bodies that are unable to compete effectively on the world scene." Could you be more specific about that?

MR. BUCKLEY: Well, I could use examples. I think the Canadian Wheat Board today is not as effective as it could be in the agricultural scene. Also, with the new mood in trade relations around the world, I don't know where supply managed boards, whether it's the dairy boards or the poultry boards, nationally fit into this. They seem to be very entrenched in their views and want to remain with the status quo. I don't believe this is in their best interests or the country's best interests or will be in the future. That is my intent in using that term, and that's my interpretation of the point I'm trying to make.

MR. CHAIRMAN: Supply management, of course, primarily produces for domestic consumption and not for the export market. The Wheat Board, of course, is designed to export the 75 percent, I guess, of the grains we produce that we can't consume in Canada. Are you thinking the Wheat Board could be more efficient?

MR. BUCKLEY: No question about that; they could be more efficient. Institutions tend to become, shall we say, solidified and lose flexibility. You do need a marketing vehicle, but it's all a question of balance and a question of balance of the environment that you're trading in in the day. If I recall my history, I believe in 1936 when the Wheat Board was brought in, it was likely brought in for a very good reason, but quite often some of these institutions then become the problem they first set out to solve. The inflexibility of change is their big problem.

MR. CHAIRMAN: One of the things we have heard suggested to us is that there be greater provincial participation in national organizations such as the Wheat Board, the Bank of Canada, and so on. Do you think that would assist in making it more flexible, if the provinces had a greater role in appointing members to these national bodies?

MR. BUCKLEY: A greater role, but you also need to change the terms of reference as well, I believe.

MR. CHAIRMAN: Sheldon Chumir has a question.

MR. CHUMIR: Yes; thank you. You spoke, Mr. Buckley, in somewhat glowing and complimentary terms to what is going on in the European economic union. That, of course, is a centralizing initiative to establish standards and economic goals through a central parliament, which seems to be at odds with your major thesis here of decentralizing. I'm wondering how we reconcile that.

MR. BUCKLEY: I think maybe my interpretation is somewhat different than yours. The European community sees an advantage in what they already have, and as I understand it, in 1992 they will have an economic union. It is an economic union only, at that point in time. They do have a lot of their social and cultural issues to overcome, but they seem very, very determined to do that. They are an example of what is going to have quite a major impact on our world community in the foreseeable future; I think as far as you and I are concerned, in our lifetimes. I use it as an example of people who have very diverse cultures and social standards yet can co-operate. It is the essence and the initiative they are taking to co-operate, as opposed to trying to centralize control, that is the point I'm trying to make.

MR. CHUMIR: My understanding of what they are doing is that they are co-operating through setting up a central parliament. I guess I interpret a central Canadian Parliament as a way of us co-operating and doing what we want to do together. So do you see any inherent difficulty in us having a central parliamentary body doing the co-ordinating and co-operating roles for national interests?

MR. BUCKLEY: As I understand it, yes, as you point out, they are attempting to make a central parliament, so to speak. My understanding is that they also have some grave concerns about their so-called – in other words, too much centralization. For instance, in the banking system they do have their opponents. As I recall, the last Prime Minister of Great Britain was very much an opponent of the central monetary system for Europe . . .

MR. CHUMIR: And, indeed, of the Common Market.

MR. BUCKLEY: . . . and could see the dangers of that. I also tend to agree with that. If you look at the European community as provinces, I think it was Churchill who said during the war that it should be the united states of Europe type of thing. You would have a very powerful bloc if they can find ways to cooperate. I find ourselves in much the same type of situation. I mean, we think we are different. We have native Indian people, we have every ethnic-speaking European Canadian here in our country, but we don't hang on to the same type of animosities. In other words, I think our forefathers left most of those behind when they came across, but I believe – the point I'm making when I say they seem to be determined to resolve this – they still have those old concerns that they had years ago and for the very same reasons that some of their fathers came over here. My father immigrated for those very reasons, and yet they seem to be determined to work at them and get over them. I'm using the example that their political and cultural differences in Europe are much greater than ours, and yet they're going to address them to try to co-operate and work together. I think we as a country have to do the same thing. We are going to be much better off as Canadians if we hold our country together. That's really what I'm saying.

9:25

MR. CHAIRMAN: Thank you very much, Harvey, for coming forward and giving us your views. Thank you.

Ian Seph and Heather Strang. Good morning and welcome.

MR. SEPH: Good morning, Mr. Chairman.

MR. CHAIRMAN: Would you like to proceed?

MR. SEPH: Thank you. My name is Ian Seph. I'm director of public and government affairs at Norcen Energy Resources Limited. Heather Strang, on my right, is a policy analyst within that department. We're both here today to make representation to you on behalf of Norcen corporation. The presentation that I've handed out is about 10 minutes in reading length, and I would ask that if you could bear with me, I would read it, and then we will be happy to respond with whatever detail we can to your questions.

Norcen Energy Resources Limited is a major Canadian-owned oil and gas corporation with a $3 billion asset base and over 2,700 employees in Canada. The company's core business is the exploration and production of hydrocarbons in Canada and internationally. Through wholly-owned subsidiaries, Superior Propane Inc. in Canada and Skelgas Inc. in the U.S., the company is the leading marketer of propane, propane-consuming products, and related services in Canada, and the third largest marketer of propane in North America. Norcen has mineral resources comprised of equity and royalty interests in iron ore mined in Labrador.

Norcen recognizes that the outcome of the constitutional debate must benefit Canadian economic development; therefore, we offer the following comment at this critical time in our country's history. Norcen does not have the expertise to propose definitive solutions to the very complex constitutional problems. We are, however, aware of the numerous studies undertaken in this regard. By our comment we want to stress the significant economic implications of the debate.

Norcen views the challenge constitutional reform poses for Canada as a unique opportunity to both unify and economically strengthen our country, but care must be taken that the process of self-examination in constitutional reform not lead to a dismantling of the country. Canadian business, labour, academia, and governments must approach these months of discussion and debate with a sense of excitement for the positive results that can contribute to our country's well-being. Attitudes taken, positive or negative, will be reflected in the results. Norcen trusts that the decision-makers will replace a negative turf-protection attitude with a positive "Canada first" attitude.

The unity and economic questions facing Canada's future are many and extremely complex. Unity issues such as multiculturalism and language differences we believe are better left to our employees' individual consideration. There are, however, a number of economic issues that we believe Norcen as a major Canadian-owned corporation should comment on.

We believe that the fundamental economic problems facing our country must receive public acknowledgement as a critical if not primary focus of constitutional change. Norcen further maintains that the crucial economic goal of the constitutional debate must be to secure Canada's future competitiveness in world markets. This will require participation and co-operation between governments, labour, and business.

Canadian firms relied upon international markets for sales of 30 percent of their production in 1990. The changing world marketplace means that increasingly Canadian business will be conducted with other countries rather than within Canada. A Constitution with explicitly defined economic roles for each level of government will minimize jurisdictional overlap. Governments can then focus on key economic problems such as removing barriers to interprovincial free trade, ensuring low-cost and accessible investment capital, minimizing the costs of doing business with governments, providing excellence in our educational system, and maximizing the return on investment in science and technology, all of which contribute to the ultimate goal with international competitiveness.

Interprovincial free trade. The ability to trade freely amongst regions is the principal economic benefit of a federal state. In Canada, however, there are many barriers to trade between provinces. For example, the average Canadian is half as likely to move between provinces as an American is to move between states. The result is that U.S. firms are able to draw from a more flexible and mobile pool of labour. Our international and domestic competitiveness can be improved through constitutional provisions that ensure the free movement of labour, goods, services, and capital between provinces by harmonizing areas such as professional licensing, pension vesting, university admission requirements, minimum wage legislation, residency requirements for social program eligibility and government hiring practices; encouraging the emerging provincial accord process on favouritism in provincial government purchasing, agricultural marketing boards, and liquor policies; eliminating the use of provincial subsidization to entice firms to locate within a province; and providing a means of precluding and eliminating tariff and nontariff barriers.

Investment capital. Over the 1985-1990 period Canadian short-term interest rates averaged 2 percent higher than in the U.S. and over 2.5 percent greater than in Japan. Clearly the high cost of capital in Canada relative to other countries puts our businesses at a competitive disadvantage. Large public debt and deficits and a lack of investor confidence have been contributing factors. The pressure of federal borrowing on domestic capital markets has stimulated interest rates and restricted Canadian firms' access to lower cost capital. The constitutional debate and its outcome must provide a means to all levels of government to avoid new debt and reduce existing debt. The ensuing ability to reduce corporate and personal tax levels will contribute substantially to economic unity and our international competitiveness through personal and corporate wealth.

The cost of doing business with government. Complying with extensive and often overlapping regulations imposed by various levels of government contributes significantly to Canadian businesses' inefficiencies and consequently to a lack of competitiveness in the international market. Through the allocation of powers, constitutional reform in this critical area can improve our international competitiveness. Governments must as a priority minimize the costs of Canadian companies doing business with their governments.

Excellence in the Canadian educational system. In recent years Canada's competitive position has been undermined by low productivity levels and high labour costs. From 1979 to 1990 labour costs in Canadian manufacturing increased by over 5 percent per year, while costs in Japan increased by less than .5 percent, and U.S. labour costs by only 2 percent. To resolve these problems, Canada must confront a grave concern: our educational system. Constitutional reform must ensure an allocation of powers over education so that Canadian business can count on an adequately funded educational system and national standards for program content directed towards excellence in market-relevant skills and a continual process of ongoing labour retraining in co-operation with private business to meet evolving market and skill requirements.

The focus on science and technology. Meeting world demands for new and innovative products will be essential in maintaining Canada's market relevance into the next century. In 1987 Canadian businesses invested less than the G-7 average in research and development in eight of 10 high-technology industries. Eight out of every 1,000 Japanese are involved in scientific research, while only four and half out of every 1,000 Canadians are so employed. In order for business to respond effectively to the demands they face to create new products and production techniques, the permit application and approval processes must be limited to a single jurisdiction.

9:35

Conclusions. Norcen urges a prompt and lasting resolution to the constitutional debate. Canada can no longer afford the ongoing costs of this argument which diverts human and financial resources from crucial economic and social issues. We are already witnessing the departure of professionals and businesses to the detriment of our economy and our competitive position. The objective of the constitutional debate must be a strong economy as well as social unity. There is an obligation on governments and all participants in the debate to ensure that Canadians do not view the constitutional arguments as only a Quebec issue. Norcen urges that Canadians in all walks of life be alerted to the significant economic implications of constitutional change. If we can all agree on how to achieve economic unity for Canada, then prosperity and social unity can follow.

Thank you, Mr. Chairman. That's the formal presentation.

MR. CHAIRMAN: Thank you very much.

Questions or comments? Sheldon.

MR. CHUMIR: Thank you, Ian. You place great emphasis on reducing conflict of duplication within our system and that this, I think you imply very strongly, means some form of central coordination which is the opposite of decentralization. In fact, a lot of the problems you referred to relate to individual provinces setting their own standards. Do you then see a stronger role for the federal government in dealing with these particular problem areas?

MR. SEPH: Let me respond, Mr. Chairman, in a way that I think will probably frustrate Mr. Chumir and may frustrate the balance of your panel in terms of Ms Strang's and my responses to your questions.

What we have tried not to do in this presentation is take a position on being federalist or provincialist. We've not come here offering you any solutions. We don't have the expertise; we don't have the time and effort to devote to giving you solutions. Our job is different. We are here to say that we do believe, though, as a major Canadian corporation that this debate has and should have significant economic implications. Bearing that in mind, I can't answer your question on behalf of the corporation. We're not here to say that as Norcen, a major Canadian corporation, we believe there should be a stronger federal role or a stronger provincial role. We feel that the questions are so complex and so many that they think the answer can vary on different ones.

So I apologize for the frustrations that you will feel, and I also apologize for my frustrations in not being able to answer you by saying: federalist here; provincialist here; split them here.

MR. CHUMIR: Just avoiding the issue of whether it's federalist or provincialist – because these things can be solved in theory either by a strong central government or presumably by the provinces co-operating together – what you're clearly arguing for, however, is some form of central co-ordination of these matters so that we end the overlap and the duplication, or at least reduce it. Is that fair enough?

MR. SEPH: I think that's fair. What we're arguing for is to make it less costly for Canadian business to do business within Canada and with its governments. I couldn't have planned this any better, but I think if you look in the *Globe and Mail* today, you'll see from a company called Sandoz Canada Inc. an open letter, an advertisement that basically says that they've developed what is apparently acknowledged as a significant breakthrough in drugs for schizophrenia; it was approved in March of this year by Canada; it was approved as a breakthrough medication in 1989 by the U.S.; Ontario in May instructed their hospitals that no new patients will receive the drugs. Yes, there should be co-ordination. I don't think Canadian businesses, whether they be in the oil and gas business or the drug business or anything, should have to have this kind of cost inefficiency associated with their product.

MR. CHUMIR: Let's not go it alone in each province.

MR. SEPH: You must understand, Mr. Chairman – Sheldon and I do know each other – that I must answer on behalf of the corporation, and that will pose some frustrations to some of us here this morning.

MR. CHUMIR: Dancing very well.

MR. SEPH: I've been a witness of the political scene for a while. I obviously have learned something.

MR. CHAIRMAN: Stockwell Day.

MR. DAY: You're learning to be a good politician.

I won't try and frustrate Sheldon further by frantically trying to drag you folks into one camp or another. I think we can dispense with that.

I appreciate what you're saying to all levels of government: get efficient, get your acts together, keep the costs down, and help us to do what we do best, which is do business. So I certainly take that as a challenge for the jurisdiction that we operate in.

You talk about Canada's competitive position undermined by low productivity levels and high labour costs, and you've got that under the educational system. I wonder if you could just expand on that a little bit, because you also mention labour costs in Japan increasing by less than .5 percent. Can you point to some factors for our benefit that labour costs have been kept that low and yet they seem to be at the 5 percent per year level in Canada as you've indicated here?

MR. SEPH: I can't point to any specific factors, Mr. Day, no. I think an additional comment we may have, and Ms Strang can acknowledge, was in an article in *The Economist*, which I think is relatively respected, that perhaps was aptly titled and referred to Canada as: "Nice country, nice mess." That was *The Economist* of June 29, 1991. In terms of acknowledging our uncompetitiveness, there's a small graph in here that shows that in 1985 unit labour costs at $100 were even in terms of Canada and the U.S. Since then U.S. unit labour costs in manufacturing have dropped below $100 and ours have escalated to over $140. The specifics in terms of what the contributing factors are – I apologize, I can't point to it.

MR. DAY: Okay. I appreciate that. Putting that under the education system, then, you're asking that people just be educated to the competitive realities. Is that what you're saying?

MR. SEPH: You've picked on a category that poses some difficulties. Norcen as a corporation has acknowledged that our Canadian education system perhaps isn't delivering to business the requirements that it needs, and in that regard as a corporation we've taken some very specific initiatives in terms of our employees, in terms of partnerships, and in terms of the emphasis that our donations budget goes on. So we wanted to talk about education, and we felt that in that category that's where we could lead up to it.

MR. DAY: Thanks, Mr. Chairman.

MR. CHAIRMAN: Yes, John McInnis, and then Sheldon would like to get back in.

MR. McINNIS: Well, I think it is not too hard to understand why there's some frustration if you come forward with a shopping list of things without wanting to discuss how they're achieved, because one of the things that people in our position have to try to do is translate these things into an ongoing political agenda. It does seem to me clear that calling for national standards in the education field implies a role for the federal government in education. Is that a logical consequence of what you're saying?

MR. SEPH: I would assume it is. We believe there should be national standards of excellence, yes.

MR. McINNIS: Just a slightly different tack. The comparisons that are being made in terms of economic performance between Canada, the United States, and Japan, I think were the three that were mentioned: a lot of people have observed that Canada has a network of social programs that those other countries don't enjoy. If I were to put it to you that perhaps the taxation burden and the productivity or interest rate problems are in some way related to our social network, what would your response be to that? Should we do away with our social network?

MR. SEPH: I wouldn't respond that we should, no. I don't think there's any fact that the social network does perhaps impede our competitiveness in terms of those other two jurisdictions, and that's where I guess this panel as elected representatives has to draw a balance.

But if I may respond further to your initial comments. The purpose of our presence here, not giving definitive answers or solutions because it is so complex – I don't know that anyone can come and sit here and say, "Here are the exact answers." It's probably almost as complex, the Canadian Constitution, as the current natural gas situation in Canada.

We're here to say, because we are who we are, that what you're doing will have a significant impact on us as a Canadian corporation in our business, and we felt that we hadn't been seeing that said enough. It's starting to emerge now. The feeling was that perhaps too many Canadians believe that this whole issue is a Quebec issue, and we believe it's far, far more an economic unity and a Canada first issue. So we're here to say please bear in mind during your deliberations that whatever you decide is not only how can it help Alberta, or will it or won't it keep Quebec in, or should we or shouldn't we be a multicultural society or a bilingual society, but what you decide is going to impact on our ability to do business here and abroad.

9:45

MR. CHAIRMAN: Thank you.
Sheldon.

MR. CHUMIR: This is for Heather, and I ask it remembering many years ago my one and only appearance before the Supreme Court of Canada. There were two of us; the spokesman for our group was the current Chief Justice of Alberta, Herb Laycraft, who put in a wonderful argument. When it was over, the Chief Justice of the Supreme Court of Canada, Mr. Justice Cartwright, looked at me and said, "Do you have anything to add, Mr. Chumir?" I must state that history has recorded my only comments ever before the Supreme Court of Canada to be, "No, my lord," but I thought maybe I would extend the same courtesy to Heather and ask, "Do you have anything that you would like to add, Heather?"

MS STRANG: I just want to really reiterate what Ian said, and that is that I think it's very important that it be recognized by all Canadians that this is an economic issue, and I think people have to focus on that as much as the other issues.

That's really all I have to say. Thank you, Sheldon.

MR. CHUMIR: You're not going to say something different which would kind of make it exciting?

MS STRANG: No. I don't think that would be a good idea.

MR. SEPH: Let it be recorded that Mr. Chumir is in character this morning.

MR. CHAIRMAN: Well, thank you very much. As a matter of fact, I was going to extend the same question, Heather, and see if you had anything to add, so Sheldon beat me to the punch on that. I do think that the point you made is important, and we recognize that. As I said at the outset, the economy and the Constitution are not severable issues; they are inextricably interwoven, and many people have not taken that perspective as they've come to the table to give us their views, so we do very much appreciate your presentation today and reminding us again of the fact that we don't design a Constitution to operate in isolation of the economy.

Thank you very much.

MR. SEPH: Thank you.

MR. CHAIRMAN: Now, I understand that the next presenter, Audrey Benner, has not shown up yet, nor have the others who are scheduled for somewhat later, but one presenter is here, Vic Burstall.

Are you prepared to proceed now, Vic?

MR. BURSTALL: I am, Mr. Chairman.

MR. CHAIRMAN: Good. Well, perhaps we could put you into the available time slot an hour ahead of your timetable.

MR. BURSTALL: I appreciate that. That's fine.

MR. CHAIRMAN: Well, thank you very much for coming. We're interested in hearing your presentation.

MR. BURSTALL: Thank you, Mr. Chairman. In response to your request for submissions to the Constitutional Reform Task Force of Alberta I have decided to present this brief of my personal views on certain aspects of the constitutional debate that is continuing to rage unabated in Canada. It's perhaps not a convenient time to submit a brief, for much may change as a result of the recommendations of the federal government expected, I guess, tomorrow.

MR. CHAIRMAN: We're all looking forward with anticipation.

MS BARRETT: It is leaked by now, isn't it?

MR. CHAIRMAN: I'm not sure.

MR. BURSTALL: Well, I've got a bit from the paper this morning; it appears the CBC had some sort of an inside track on it. I'm not sure how accurate that is.

Mr. Chairman, in previous correspondence with the task force I expressed my disappointment that its members were then only comprised of Conservative MLAs. I am pleased, though, that the circle has been widened.

I will confine my views to four topics. Firstly, I will deal with Senate reform; secondly, special status, more particularly distinct society; thirdly, the so-called federal spending power; and fourthly, the amending formula.

Mr. Chairman, no province has done more to advance the concept of a triple E Senate than has the province of Alberta, which culminated in a Senate election and subsequent appointment of the successful candidate to the Senate of Canada. A great deal, however, remains to be done. Not surprisingly, there is no desire on the federal or central provincial governments to reform the Senate, which would temper their stranglehold on the House of Commons and require the approval of an elected Senate for legislation to be enacted. It is therefore important that particularly Alberta stress the triple E Senate requirement and keep it at the forefront of the current Canadian round of negotiations. It will not be satisfactory to Albertans if Senate reform is left to be discussed following a general agreement on other constitutional matters. It is clear that many Albertans were against Meech Lake because it would have made a triple E Senate more difficult to achieve and would have been dealt with at a time when Alberta would have no bargaining chips.

In 1988 the Reform Party of Canada organized a committee, which I had the privilege of chairing, which drafted amendments to the Canadian Constitution to provide for a triple E Senate. I would recommend that the task force review those recommendations, which preserve each of the Es; that is, elected, equal, and effective. The only manner in which the wide powers of the current Senate are reduced is the unique provision that the Senate would not be able to withhold consent to the ordinary annual essential expenditures of government. This means that the Senate could not withhold supply and bring down the government as was done by the Australian Senate in 1975.

The recommendation by the Group of 22 to replace the Senate with a watered-down house of the federation was most disappointing. This recommendation was apparently based on the proposition that

> experience in every province of Canada – many of which used to have an upper Chamber but have abolished it – demonstrates conclusively that a parliamentary system can function . . . without a second Chamber.

Mr. Chairman, there was never any doubt about that.

The question to be determined is whether a confederation of provinces spreading across the wide expanse of Canada can be governed by a Parliament without an effective upper Chamber to protect regional interests. I do not believe that Canada can be governed by a unitary form of government. There must be checks and balances from a regional perspective. Most democratic confederations have an effective upper chamber; for example, the United States and Australia. In fact, Mr. Chairman, I think it was the finding of the select legislative committee chaired by Dennis Anderson that indeed there is no democratic confederation in the world that does not have an effective upper Chamber.

MR. CHAIRMAN: Canada doesn't.

MR. BURSTALL: Other.

MR. CHAIRMAN: Sorry to interject.

MR. BURSTALL: There is no other democratic federation without an effective upper Chamber.

On the question of special status or the distinct society, Mr. Chairman, we hear a great deal of discussion as to whether or not Quebec is a distinct society. Unquestionably it is with its own civil law and the predominance of the French language, its culture, and the like. There are, of course, other distinct societies in Canada, the foremost being our native people and, in my humble opinion, the province of Newfoundland. You can't go to Newfoundland and come away without feeling that Newfoundland and Newfoundlanders are distinct. Nothing, however, is to be gained from inserting in our Constitution, in the preamble or otherwise, the recognition of a province or people as distinct or unique. In fact, the debate as to whether or not Quebec is distinct gets us nowhere. The issue involved is really one of powers; that is, what additional powers are gained by virtue of the fact that the Constitution recognizes a province or a people as a distinct or unique society?

9:55

The powers that would have accrued to the province of Quebec because it was recognized in the Meech Lake accord as a distinct society are found in clause 2(1) of the accord. Clause 2(1) provides that the Constitution of Canada, including the Charter, shall be interpreted in a manner consistent with, among other things, "the recognition that Quebec constitutes within Canada a distinct society." There are certain limits on this interpretation in section 16 of the accord relating to aboriginal people and multiculturalism but none preserving the Charter of Rights and Freedoms, which indeed the Quebec government has said it would not accept.

The serious problem with this clause is that we do not know what additional powers might accrue to Quebec as a result of interpreting the Constitution consistent with the fact that Quebec is a distinct society. Certainly I feel that it is fundamental that the Charter should prevail. Any province overriding the Charter of Rights and Freedoms should have to live with the stigma of doing so rather than being able to argue that its actions are justified because it is a distinct society. In my view, a country is not worth having if these minimal rights and freedoms set forth in the Charter are not recognized. Further, it is not certain in what other fields – i.e., communications – broader powers may be interpreted to accrue to the government of Quebec. This is no time for symbolic gestures or the fuzzy granting of powers in our Constitution. Quebec must indicate the specific additional powers it is asking for, and it must be determined whether or not the granting of those specific additional powers to Quebec and the other provinces is appropriate. The open-ended granting of powers by requiring the whole of the Constitution to be interpreted consistent with the recognition of a distinct or unique society is, in my mind, completely inappropriate. It's unfair to place such a burden on the Supreme Court of Canada notwithstanding the great respect that all Canadians including myself have for that institution.

Turning now to the division of powers and the so-called federal spending power, Mr. Chairman, one can search through the written portion of our Constitution and find nothing that would specifically authorize the federal government to spend funds in areas of exclusive provincial jurisdiction, yet that is what has happened in the case of medicare and other social programs. There is no power that has been more used and abused by the federal government of Canada. Obviously, it has used it too many times, which has resulted in our ever increasing $4 billion debt. It has been abused, because funds are granted on condition that certain aspects of a social program must be in conformity with the requirements of the federal government or funds are withheld, and they're withheld without giving up any tax imports. This erosion of provincial powers should, in my opinion, be ended.

MR. CHAIRMAN: Just before you go on, Mr. Burstall. For the record, you said $4 billion.

MR. BURSTALL: Four hundred billion. I'm sorry.

MR. CHAIRMAN: There's a difference.

MR. BURSTALL: Yes. My brief says $400 billion, Mr. Chairman.

MR. CHAIRMAN: For the *Hansard* record, I thought I'd just get you to correct that.

MR. BURSTALL: Thank you.

The most recent spending power attack occurred when, following the last Speech from the Throne, the federal government released a white paper on education. The gist of the white paper was that it recognized that education was a matter in which the provinces had jurisdiction, but notwithstanding that it was so important that provincial jurisdiction should be ignored.

Imagine. Here is a government with a very substantial national debt withdrawing financially, despite agreements, from other social programs now suggesting that it should become involved in additional expenditures in an area that is exclusively provincial. No wonder Quebec and certain other provinces do not feel comfortable in our Confederation. So before tinkering with the actual division of powers in sections 91 and 92 of the Constitution Act of 1867, we should first terminate the expenditure of funds by the federal and provincial governments in areas of the other's exclusive jurisdiction. Such expenditures, especially conditional expenditures, make it difficult for the electorate to determine which level of government is accountable or responsible.

There's a recent article in *The Canadian Bar Review* by Andrew Petter entitled Federalism and the Myth of the Federal Spending Power, which I have attached to this brief, which deals in more detail with this issue.

In respect of the amending formula, Mr. Chairman, my opinion is that this formula contained in the Constitution Act of 1982 is, generally speaking, not a bad provision except that instead of the Legislatures of the provinces being required to give their approval, the approval should be by a referendum of the electors as in the case of the Commonwealth of Australia. It came as a great surprise that the Beaudoin-Edwards parliamentary committee recommended that the old Victoria formula be resurrected to provide for a veto for the provinces of Ontario and Quebec and the remaining vetoes by region. It is vital that it be established in our Constitution that each province in our Confederation no matter how small has equal powers. It may not deal with matters of the same magnitude, but it has equal powers to deal with those matters. It is no answer to say that the provinces are unequal in that, for example, P.E.I. is guaranteed four MPs or that Alberta has contributed financially much more to Confederation than other provinces or that initially the provinces of Alberta and Saskatchewan did not receive title to the mines and minerals. The equality of provinces in respect of the examples I have given is not what we're talking about. We are talking about equality of provinces in their powers: in their powers to legislate and in their powers relating to the Constitution.

Mr. Chairman, I did have an opportunity to read your statement to the Legislature of Alberta when that committee report was released, and I must say I agree with that wholeheartedly. I think it should be said loud and clear each time there's an attempt to come up with a provision in the Constitution, whether via the amending formula or otherwise, that treats provinces in an unequal manner. Also, the consultative referendum recommended by the committee is, in my view, unacceptable. One may ask why Canadian politicians are so reluctant to get the people involved in constitutional decisions, especially after the Meech Lake fiasco.

In conclusion, Mr. Chairman, let me say that I'm looking forward to receiving the report of the Alberta task force. With all Canadians I await with interest the recommendations of the federal government through the so-called unity cabinet, which I gather we'll be receiving tomorrow, and, following that, the work of the federal parliamentary committee, which has been dubbed the mother of all committees or the committee to end all committees.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you very much.
Ken Rostad.

MR. ROSTAD: Thank you, Mr. Chairman. Mr. Burstall, you are strong on the triple E Senate and think it should be at the forefront. If the speculation in the papers is correct and tomorrow's report comes with two Es, elected and effective – whatever effective might mean – leaving out equal, would your position be that we should be happy and continue pushing for the other or that we shouldn't even accept the two without the third?

MR. BURSTALL: Mr. Chairman, I think each E is as important as the other. I would have thought, perhaps, that if there was any watering down, it might have happened in respect of it being effective and that the powers of the Senate would in some way be E for "emasculated." I'm not certain of that, but I think it's absolutely essential in our Constitution – and Meech Lake indicated that – that we retain the equality of provinces, and I think we should have in our Senate equal numbers of Senators from each province, bearing in mind that the two central provinces still have their hold over the House of Commons. The Senate would be more or less a body that would be reviewing legislation and saying aye or nay but not be the initiator of legislation nor would governments fall as a result of what a triple E Senate did. So I think, Mr. Rostad, that each of the three Es is essential. I don't see that we could really compromise any one of those. At least, Mr. Chairman, that should be the bargaining position to start with.

MR. ROSTAD: Thanks.

MR. CHAIRMAN: Thank you very much. Pam Barrett would like to comment, I think.

You read my statement; I think you might want to comment on the fact that the Leader of the Opposition was equally as firm in his reply to my statement relative to the Beaudoin-Edwards recommendations. I think it's fair to say that the Liberal Party supported it too, although the leader of the Liberal Party wasn't given the opportunity under our rules to respond. I doubt that we'll see that recommendation appear tomorrow; that's my guess.

Pam.

10:05

MR. BURSTALL: I hope you're right, Mr. Chairman. I hope it does not.

MS BARRETT: My question has to do with referenda. You were making fun of the fact that the Edwards-Beaudoin committee recommended "a consultive referendum," and you say: why are you guys such scaredy-cats? Good point. But how widely would you like to see referenda used?

MR. BURSTALL: Well, I'm just speaking in respect of the Constitution. I hope I didn't make fun of their recommendation. I feel that it . . .

MS BARRETT: The way you read it out loud, of course, is different from the way I read it in writing.

MR. BURSTALL: I certainly don't support that recommendation.

MS BARRETT: Obviously not.

MR. BURSTALL: In my view, we should look to Australia.

MS BARRETT: I understand that. What I'm asking, Mr. Burstall, is: do you support the use of referenda in other circumstances?

MR. BURSTALL: I do, in certain other areas.

MS BARRETT: Such as?

MR. BURSTALL: For example, I think any issue that involves moral matters – for example, capital punishment, abortion, issues of that nature – where I don't think MPs and MLAs have any additional information that entitles them to make the decision. Perhaps to put it another way, people have strong views, and there's no information that I think MLAs and MPs acquire as a result of their positions to put them in a position to judge better what the proper answer is. In those situations I would say yes, referenda are desirable.

MS BARRETT: Two supplementary questions follow from that answer then. One would be: if we have the ability for public polling and the public polling shows approximately two-thirds on one side of the issue and MPs and MLAs falling broadly into that category and voting in that direction, does that not resolve the need for referenda on issues like this? That's one question.

The other is: if you are having referenda on a broader range of issues than strictly the Constitution, would you put any sort of limitations, such as no more than one per year? What sort of formula would you say should be binding?

MR. BURSTALL: To answer your question, I must say I've not given much thought to the general question of referenda apart from this constitutional context. I think you have to be very careful how you initiate it and how the questions are put.

To answer your first question, no, I don't think the answer is that because the polls indicate the electorate feels a certain way and the politicians are in agreement, therefore you can do away with a referendum. I think you have to lead into it, and you lead into it by discussions. I would be concerned that you could have a poll at a stage when the people were not fully enough informed of certain of the issues. I did indicate that I thought that in most of the so-called issues that involved moral matters, people perhaps don't need too much more involvement by way of discussions. I guess I have a basic distrust of polls. My preference would be to see a referendum.

MR. CHAIRMAN: John McInnis, then Sheldon.

MR. McINNIS: Mr. Burstall, I was intrigued by your comments about the distinct society clause in the Constitution, and I certainly agree that would be one of the reasons that the Meech Lake accord was so unpopular in English Canada. We're constantly told by leading elected federalists from Quebec, people like Benoît Bouchard and Robert Bourassa, that that's an essential item as far as Quebec is concerned, that without a distinct society clause there is no Quebec in our federation, which I take is not something you're well disposed to. Are you in effect calling their bluff, or do you really feel that's a price that's worth paying to keep a distinct society clause out of the Constitution, that we would end up a country without Quebec?

MR. BURSTALL: My view is that a general clause saying that Quebec is a distinct society and that the Constitution must be interpreted having regard to that fact is a blank cheque. We do not know what powers the Supreme Court could say as a result of that, what would accrue to Quebec. What's worse, Quebec wouldn't know what it's getting. My view is that a distinct society clause without defining specifically the additional powers is going to lead to the disappointment of Quebec, because they will assume that if they have a distinct society and the Constitution is to be interpreted having regard to that distinct society, that they have additional powers. When the court, as I suspect the Supreme Court would do, doesn't give them all the powers they think they've had, we're back into the glue again. In my view, the only way to resolve that would be to deal specifically with the additional powers that Quebec is looking for. I'm not saying that Quebec shouldn't have some additional powers in respect of certain aspects of protecting its language and culture or that those matters should be protected in the Constitution.

To give an open-ended sort of blank cheque recognition that Quebec is a distinct society and say that the whole Constitution, including the Charter, must be interpreted having regard to that fact in my mind is just unacceptable. I would say we just cannot do that. In other words, I think that puts Canada perhaps at much more risk than Quebec leaving.

MR. McINNIS: I take it from that that you're very firmly opposed. The other part of the argument was that you didn't want to see Quebec able to override the Charter without paying a sufficient stigma, I think was the term that you used.

MR. BURSTALL: That's right.

MR. McINNIS: In your view, is the notwithstanding clause as it now exists sufficient stigma?

MR. BURSTALL: I think it is. Yes, I think is. I think they're still feeling the effects of that decision. In fact, I think that was one of the main reasons that Meech Lake came unwound, or at least it was certainly a contributor.

MR. McINNIS: So I'm not putting words in your mouth. You're prepared to see the breakup of Canada rather than agree to a distinct society clause as you now understand it?

MR. BURSTALL: A distinct society clause as was proposed in Meech Lake. I think the breakup would come in any event. I'd say that rather than on the installment plan, we'd better have it now.

MR. CHAIRMAN: Well, that's an interesting point.

MR. BURSTALL: I hope it won't come to that, Mr. Chairman. Let me say this. I certainly hope that Quebec can be accommodated in dealing with their specific demands but not in a blank cheque way, by saying Quebec is a distinct society.

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: I'd just like to get back to that effective element in the Senate powers. You've argued for Senate powers pretty well identical to the Commons with the one exception, re supply. Other groups in western Canada – I'm thinking of the Canada West Foundation, which Bert Brown and Jim Gray have been fairly active in – have tempered the degree to which the Senate would have to be effective, and I've seen differing formulae that would go from a suspensive veto to a veto which would require a special majority in the Commons to override. Do you have some flexibility? Do you think something of that nature with somewhat limited powers in the effective end would still be workable?

MR. BURSTALL: Mr. Chumir, the select committee chaired by Mr. Anderson I think had recommended a suspensive veto and an override. My recollection is that the override was that if the Senate refused to act or voted against the Bill, then it would come back to the House and the House would have to override the Senate by a greater percentage than it was defeated in the Senate. The one problem I have with that is that the very time you need protection is when you have a large swing – now, we may not see those in the future – one party controlling all but, say, a few seats in the House of Commons, and party discipline in my mind would mean that that override would be automatic even if you make it by the same percentage that the Senate turned it down.

A suspensive veto in my mind – I go back to the national energy program, and I think that never again do we in Alberta or in the west want to see something like that happen to our province or our country. I feel strongly that an effective Senate, a triple E Senate, would certainly have had a lot to say about that and perhaps prevented that from happening. For example, on money matters – remember, that program came to us by way of a budget, and therefore I think the Senate has to have the say in monetary matters as well as other issues. But I don't really think the suspensive veto, Mr. Chairman, helps us really that much. It may well be that that is one compromise that could be made. I'd certainly sooner make it there than in the question of an equal number of members from each province, if a compromise has to be made. It would have the advantage, I expect, Mr. Chumir, of enabling the matter to be debated in the country at large if the suspension was for, say, a period of six months, which I think has been suggested. Maybe then the people could let their MPs know what they think of it, but I think party discipline would rule in the House as it has forever.

10:15

MR. CHAIRMAN: Thank you very much. [interjection] I'm sorry.

MR. CHUMIR: Could I just ask one little thing? Is there time for it?

MR. CHAIRMAN: Yes, certainly. Stock Day also wants to ask some questions, so we'll press on. But carry on.

MR. CHUMIR: I'm just very interested in your suggestion that the federal government not spend in areas of medicare and social services. I'm wondering whether you would favour some form of mechanism to establish national standards in respect of medicare and social programs. Should there be some commonality re portability, universality? Are there principles and standards which are important in order to avoid total differences and conflicts in keeping with what Mr. Seph was saying in terms of some of the economic things? If that is so, if by some chance you do feel there is a role for some form of basic commonality, by what mechanism would that be established?

MR. BURSTALL: Well, I think there is a basis for that. I hope I didn't indicate that I felt the federal government should not spend in these areas. What they should not do is spend conditionally in these areas. They're quite free to make money available to the provinces to spend in these areas, but then when they start tacking on conditions that meet their own conditions and their philosophy, I think that's where you find there's a confusion in the electorate as to who is responsible for what. You find that the federal government, which is denied under our Constitution the right to get involved in these areas, now simply spends money and says, "If we're going to spend this money, you must conform with our requirements," so they circumvent the Constitution. I think that is in fact bad, and I think it should not happen.

Having said that, Mr. Chumir, I certainly agree that there are some basic things that I think the federal government ought to encourage the provinces to follow; for example, portability and certain other standards. My basic view is that when it comes to dealing with social programs like education and hospitalization, the proper body to deal with that is our provincial government. I think they're closer to the people and are more able to deal with those issues. It's not, in my mind, an excuse to allow federal intrusion into provincial matters to say that we have to have national standards. I think if we're going to have them, then the Constitution should be amended to provide for that. My basic position is that spending power is just not an appropriate way to deal with those issues.

MR. CHUMIR: Would you support an amendment to change those to provide for that in the Constitution? If so, how would it be done?

MR. BURSTALL: I'd have to see the extent of it, Mr. Chumir. I think those things again would have to be negotiated with the provinces, but I say hopefully by agreement and not by just saying, "We're going to spend money in this area, and unless you conform, you're not getting it, and you don't get the tax points either." To me that's almost being blackmailed into following what the – and at a time when the provincial priorities may be far different.

MR. CHAIRMAN: Thank you.
Stock Day.

MR. DAY: Thanks, Mr. Chairman. Also on this point of your concern about federal intrusion in the area of education, I don't know if you're aware, if you're reflecting any knowledge of the U.S. experience where the federal government there has slowly pushed in this area of jurisdiction over states in education. Right now they fund about 10 percent. They foot about 10 percent of the bill, and some education sectors down there are saying that they're trying for about 90 percent of the power and the jurisdiction. The frustration that it's causing would be akin to, if I can use an example, the federal government moving in another area. I don't have all the details on this and I'm saying this hesitantly, but I read this weekend about the Secretary of State telling a private-sector company that they can't use the Canadian flag in any of their promotions or advertising without special permission. It's that type of federal intrusion in the education system over individual states, where you have a federal government wanting to make a social statement and impose that on the uniqueness of various states, that's raised concern.

Now, the question. You're very strong on not wanting federal intrusion into any of this area, but we still have a problem in Canada where people move from province to province and are frustrated by the fact that their kids experience different education systems, as it were, and they have difficulty finding out what grade they're going to be slotted in. Do you have any optimism that the provinces – leave the feds out of it – individually could get together with their ministers of education and at least work on some common levels so that Canadians moving, transferred, or whatever from one province to another could have some degree of similarity or some comfort that there could be that similarity in grade levels? Are you optimistic that could happen just between provinces?

MR. BURSTALL: Well, Mr. Day, I'm sure that I don't know what the ministers of education would decide in those circumstances. I would be hopeful that there could be some method of transferring from one province to another and knowing where you stood. I would think that would be something that all provinces could agree to. I notice, for example, that our minister here in Alberta is now dealing with that very issue. I think there was an article this morning in the *Calgary Herald* in which he has said to the feds: if you want to get involved in education any more or control it in our province, it's going to cost you a lot. That was the gist of the comment. Well, my view is: that's not the issue; stay out. We'll take your money if you're collecting it. If not, we'll take the tax points, and we'll collect it and we'll set our educational standards. Hopefully, as in the case of medicare and other issues, there'll be reason for the provinces to agree on certain standardization, as you've suggested.

I think that the trouble in our Constitution and in our country caused by the spending power has got to be reversed. I think that it's just not the proper way to do it.

MR. CHAIRMAN: Well, thank you very much, Mr. Burstall. In your reference to the federal spending power, you've expressed the frustrations that politicians and governments have experienced over the years in a succinct way and very well. Thank you very much for your presentation today.

MR. BURSTALL: Thank you, Mr. Chairman. I appreciate the opportunity.

MR. CHAIRMAN: Chris Jukes is here. Sorry, Chris; I didn't realize you were here earlier, but welcome now. Thank you for coming.

MR. JUKES: I'm sorry, Mr. Chairman. I think it was my mistake. I didn't register in the proper place; I registered downstairs. I didn't realize I was supposed to do it up here as well.

MR. CHAIRMAN: Thank you for coming. Please proceed.

MR. JUKES: I think perhaps I'll just introduce myself as an Albertan. I was born in Calgary, went through my elementary and high school education here in Calgary, and did a degree at University of Calgary as well, so I consider myself to be an Albertan. I have had some little experience outside of the province as well. I did more schooling at the University of Toronto and spent several years in Africa. I think particularly my experience in Africa has led me to be very thankful for what we have here in our nation of Canada, and I certainly think we are living in the best country in the world. I wouldn't want to live anywhere else, and I'm very thankful for that.

The comments that I want to bring this morning are less in terms of criticism or wanting to pick holes in things but more in terms of saying that during this time of constitutional reform I think there are some values that are important that we protect or that we ensure. My comments are in that context.

I am a practising Christian. I go to an Anglican church here in the city, and Jesus is my Lord and my Saviour.

10:25

I think the first area I want to talk about is that I feel that there's an ever increasing effect of the government into individual lives and that I feel, though, that at the same time there seems to be a decreasing ability for an individual to affect that government intervention into their lives. That's a concern that I have, and I want to give a few proposals of what might help that balance to be restored more, in my view, in a better way.

The first thing I would propose would be some form of proportional representation in our electoral system so that seats are apportioned according to the percentage of popular vote rather than necessarily by area, so that no matter what part of the country they're in or what particular way they vote, a person's vote really has an equal effect, is not negated by district or whatever. That would be my first option; that would be my preference in the electoral process. If that is not something that you as a government would decide to push for or lobby for in the negotiations with the federal government, I think an alternative to that for me would be a decentralization of powers. Things like the triple E Senate – in reference to a question that was asked earlier on, I think I would feel that it would be better to abolish the Senate rather than to rob it of its equality. In the triple E Senate all three Es are extremely important, and that again would help ensure my ability as an individual within our nation to have an effect upon the government bodies that affect my life. Again in this decentralization of power I firmly believe in equality of power for all the provinces and oppose giving special status to any particular province. That's basically the first area that I wanted to make my views known on.

The second area would deal with rights legislation or the Charter of Rights. I do believe that we should maintain the notwithstanding clause. I believe that that's not something that should be taken out or tampered with, that we should leave it as is.

In specific rights areas I believe we need parental rights to be more protected, particularly in the area as opposed to government having authority over children rather than parents. To me two areas stick out. Education is the first one. Educationally I feel that parents should be seen to be the primary educators of their children and not the government. That should be stated very clearly. Perhaps as a side to this particular parental issue of education we should move towards more privatization in the educational system, which might be a way of giving parents more influence over the education of their children. I'm also concerned about parents having the right of custody of their children when it comes to being in opposition to the government. I think cases are increasing. One was close to me because it happened to a friend of mine: the government was able to take his children away from him. He has them back, but I feel there's a danger that the government is taking too many rights over our children. I think that parents must be recognized as the ones who are the primary protectors and educators of their children.

I'm opposed to including sexual orientation in the Charter of Rights and Freedoms. I don't know if that needs any explanation, but I'm opposed to it, and I would not like to see sexual orientation being included in the Charter.

I would like to see a more specific guarantee under the clause of freedom of religion in the Charter which would spell out and specifically guarantee that religious communities are able to hire people who live and agree with their stated form of morality. I think that many people say that that is protected under the Charter, but I would like to see it more specifically stated and guaranteed, specifically worded as a moral principle.

The other area of rights legislation I would like to see is that the rights of the unborn from conception are protected in the Constitution, and also that it's ensured that women are provided with alternatives to abortion, that there is a provision for women. So in conjunction with protecting the rights of the unborn, there should also be provisions to provide alternatives to abortions. That really finishes the area of rights legislation.

I suppose the final area I just wanted to comment on is some sort of balanced budget legislation. I'm certainly not an expert in this area, but I do feel that it is wrong for us to ask future generations to pay for our life-style. I'm certainly not opposed to social programming. I think that whatever social programs we institute, we should pay for; that's all. We shouldn't ask future generations to pay for it. We can count what the cost of our social programs is and not delay it to a future generation. So if we want to maintain our social programs or increase them or make them better, it might mean one less TV in the home or one less car per family or whatever. That's all right as long as we are being realistic that what we are having in social programming or government programming expenditures, we are paying for; that's all. I think some sort of balanced budget legislation in the Constitution would be good, so that we're spending our own money and not someone else's who has no say in it.

I think that's the basic presentation I wanted to make, and I'd be prepared to answer any questions.

MR. CHAIRMAN: Well, thank you very much, Chris.

Questions or comments? Yes, Gary, and then Sheldon.

MR. SEVERTSON: Yes, Mr. Chairman. You mentioned representative government. It always puzzles me how it would work. During our hearings we've heard a number of people come forward who don't like the party discipline; because they're not responsible to the voters, they feel that way. But in representative government – if we had 40, 30, 25, 5 percent, who appoints the people that didn't get elected? Is it the party president, the party leader? And then who is that representative representing? Who's he responsible to? In theory, one party with 5 percent of the vote would have 5 percent of the seats, and they could have ended up with hardly any votes at a particular poll. Who appoints that person?

MR. JUKES: Well, the particular party does.

MR. SEVERTSON: Then who is he responsible to?

MR. JUKES: That's up to each individual party. If you belong to a particular party, you have already decided. In the event you have 10 seats, you've already listed the top 10 people that your party wishes to place in those positions, and they're just simply appointed. It would happen before the election would ever take place.

10:35

MR. SEVERTSON: Would you do away with constituencies then? If you use Innisfail, my constituency, I won over 50 percent of the votes, but theoretically I could lose my seat because somebody in Calgary was appointed by a party that had 5 percent of the vote. Then that area wouldn't be represented in the Legislature.

MR. JUKES: Well, I'm not an expert on how the actual detailing works, but it would be a whole restructuring. You wouldn't have the exact situation that we have today that you would need for you as a person to get a seat in Parliament. You would have to get a certain proportion of the vote to get that seat, so that the seats would not be done by constituency or by area but rather by party or by popular vote.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Other questions or comments? Yes, Sheldon; I'm sorry.

MR. CHUMIR: Yes, thank you. You've mentioned that your experiences in Africa have been giving you an appreciation for this nation, and I think most Canadians happily do. I'm wondering whether one of the things that you appreciate would be, for example, our national medicare program, if that's something that you feel we should continue to support and the degree to which you would be supportive of some social programs that we have, some kind of national standards with respect to those social programs.

MR. JUKES: Well, you've asked sort of several areas in there. I think I am appreciative of much of what we have in terms of our medical and social programs, but I don't believe that they necessarily cannot be improved or cannot be made better. One of the things I do fear in the whole area of even the medical and the social programs is: whose money are we spending? You know, it's wonderful to say that everyone can have these programs, but let's make sure that we pay for them and that the people who are instituting the programs are the ones who are responsible to gather the taxes or whatever, that we don't sort of institute a program and then make a provincial government or something suffer the problems of paying for it and taxing their people for it. So I do very much appreciate what we have in terms of our medical and social programs. I think they are great, but I don't necessarily believe that they can't be improved upon or changed.

MR. CHUMIR: I very much agree with the financial aspect of it, quite frankly, but I'm wondering: are you supportive of the national standards? Should we have some kind of commonality? That doesn't mean they have to be identical, because we now have national standards and the programs are very different in a lot of the nuts and bolts elements, but should we have some commonality as a nation in those programs?

MR. JUKES: It would depend on the specific proposal of what commonality means. I'm a bit undecided.

MR. CHUMIR: What about medicare? Now we have five conditions, sometimes referred to as six: universality, portability, certain types of accessibility. Are these the types of things that should be common in a nation?

MR. JUKES: I'm undecided on that.

MR. CHUMIR: Okay, thanks.

MR. CHAIRMAN: Thank you very much, Chris, for your comments and for your thoughtful comments to indicate, as most of us feel, that we are indeed fortunate to be living in Canada and that it sometimes takes going abroad and coming back home again to really appreciate just what a fine country we have to live in. Thank you.

MR. JUKES: Thank you.

MR. CHAIRMAN: Larry Yuzda. Good morning.

MR. YUZDA: There's so much I want to talk about. When I started thinking about what I wanted to talk about, I could have gone on for hours, but I guess I have a couple of points I'd like to raise to the committee. I have to say that it's a pleasure to talk to a number of politicians who are now going to listen. I've often had trouble cornering politicians, and it's nice to have them in a corner where they have to listen.

First of all, I'm a lawyer. I know that Mr. Horsman's a lawyer and that Mr. Rostad's a lawyer. I don't know about some of the others here. I know Mr. Chumir's a lawyer; he's very bright. I sometimes feel a little trepidation in talking to Sheldon, so maybe it's a good thing he's left. He's a very bright man.

MR. CHAIRMAN: He's here; he's just at the back of the room.

MR. YUZDA: That's not to exclude the rest of the people in the committee from being bright; they are.

MR. CHAIRMAN: You've prompted him to come back to the table.

MR. YUZDA: I woke him up back there.

My concerns are to do, in the macro sense, with the system of government which we are faced with in Canada as a whole. Traditionally, we talk about the three arms of a government: the executive arm, the legislative arm, and the judicial arm. When you look at the traditional definition of a democracy, you look at government controlled by the people. It has other side definitions such as respect for human rights and so forth and so on, but in the main we talk about either direct control of a government by the people or we talk about indirect control. Then when we talk about indirect control, we talk about representative government.

A lot of our problems in this country, I feel, could be solved if we were to look at ourselves and determine: how are we represented in government as a people, and where can we improve the representation? My fear is that the executive arm of government has attained ascendancy by some method or other over the legislative arm. If we go back and sort this problem out, we will sort out a lot of economic problems, we will sort out the problems of aboriginal rights, we will sort out the problems of Quebec. So as a people we have to look at: how do we deal with the ascendancy of the executive arm of government?

If we look at the system of government – I made a rather intemperate statement at one of the conventions I was at where I said that the system of government we have established really amounts to a dictatorship. I regretted that statement, but on reflection we have to think that we have a system of government where we elect a number of people as representatives. Those people are members of a party. The party chooses a leader. The leader chooses the executive. The executive then forms perhaps an inner cabinet or some other ministries and so forth. In reality, it's the ministries and the inner cabinet and the executive that promote legislation, make appointments, do all kinds of things that govern our daily lives without really any input from the population in whom, supposedly, the power resides.

I come back to the citizens' forum. In hearing 400,000 people or thereabouts, one of the main criticisms, the main concern was the unaccountability of government and the method by which we are represented. The problems with Quebec were a concern, aboriginal rights were a concern, health care was a concern – lots of things were a concern – but the main concern was: how are we represented in Parliament?

I think that's very important for the committee to look at. My suggestion is that the committee look seriously at some sort of representative constituent assembly to replace the Senate and make a suggestion that this form of assembly replace the Senate. As an individual and as a citizen of Alberta I don't have the details for how I would like to see the thing look, but I do think that legislative proposals and so forth have to have some sort of review and that that review could come in the form of suggestions from the constituent assembly. That, in my opinion, would put back into the hands of the population the power that we sometimes think we have lost.

My second point – this is one I feel quite strongly about – is the appointment of judges. Regrettably, I didn't see anything in the citizens' forum on appointment of judges. What I say may not sit well with some people, but I am here to say what I have to say. Appointment of judges used to be largely political. It's now improved. There is input from other sources such as the Law Society, other judges, and so forth to the appointment of superior court judges, but largely it's political, and my perception is that it comes from really an old boys' network of people who have been active in political parties. It doesn't matter what party they've been in.

10:45

In my view, appointment of judges is a very serious and important function in this country. They are the ones who are supposedly there to protect the rights of citizens and who are to interpret the laws. Unless there is some public scrutiny of appointment of judges, I fear that we haven't come a very long way in our society. My suggestion is that superior court judges – I'm not talking about small court judges or small claims judges and things like that – ought to be appointed at the very least by the Houses of Parliament where they are open to some scrutiny, where if they've made remarks about women or aboriginals or minorities in the past, they are brought to account for those remarks.

So I have two points. One I make is that I think the executive arm of the government has ascended over the legislative arm, and there needs to be some redress in that area. Secondly, the appointment of judges should be looked at to be fixed up.

Lastly, and this is a small point, I think we've been very lucky in this province to have very ethical and good government. I commend the present government and past governments on their performances. I do think, however, that it's time we looked at a commissioner of ethics in government. Ethics in government is a very big issue. I say that in the same way we have an auditor to look at public accounts, maybe we ought to have an ethics commissioner to look at ethics in government.

One of the great problems that the Russian federation had, one of the great problems that the present Indian federation has is corruption in government. We're not talking about the same thing here at all, and I'm not saying that our governments are corrupt, but they have to appear to be . . . What is it? I forget the thing about Caesar's wife; I shouldn't make these remarks. They should appear to be as pure as the driven snow. Whether they can maintain such a high ethical standard is another matter, but I feel that the government should look at the appointment of a commissioner of ethics to be independent of the executive arm of government.

That's it.

MR. CHAIRMAN: Thank you very much.

On that particular point I know the Attorney General would like to comment.

MR. YUZDA: I didn't look at the recent ethics legislation, by the way.

MR. ROSTAD: Thank you, Mr. Chairman. Yes, Larry, I was even going to refer you to the conflict of interest legislation that was brought in. There's a committee of the Legislature, not of the government but of the Legislature, currently searching for just that person, an ethics commissioner. When the legislation was coming through, William Roberts of the NDP didn't think we should use that name, ethics commissioner, but that's as it's described. I think you're right; we've been very fortunate in Alberta that our governments and elected members have been quite ethical and quite clean, but there has to be more than just the appearance. There has to be a network set up, and this legislation certainly does that.

In your reference to the appointment of superior court judges, which is in the federal field and not in the provincial field, do you think there should be an appointment process somewhat like the Americans have for their Supreme Court, where you go through an inquisition? I think the current one is obviously directed from two political sides, one trying to paint white and one trying to paint black.

MR. YUZDA: I don't know if I'd go that far, but I feel there should be some public input or scrutiny of judicial appointments. I don't want to go into details, but as a lawyer having appeared before some judges, quite frankly I don't know how some of them got there. I really don't. I think those of us who are lawyers will probably in private make the same remarks, without naming names.

That for me is a very important point: how do we appoint this very important arm of government, which people tend to forget about in their argument over Quebec, the social affairs, and that sort of thing? My suggestion would be that there be a parliamentary scrutiny of the appointment, maybe an open vote or something like that. You know; if there is someone who is obviously unfit, why appoint the person?

MR. ROSTAD: I was going to say that there's been a recent change in the federal appointment system, where there is a committee. Each province has a committee that has appointments by the Chief Justice of the Court of Appeal in each province, by the minister of justice – in fact by the Attorney General – by the Law Society, and then some members at large that actually review the applications and authenticate them in the sense of being qualified in terms of areas of practice, that type of thing. There is no doubt that after that recommendation is put to the judicial commission, I think in Ottawa, then recommendations go to the minister and cabinet that makes it. Is it that aspect of cabinet making the selection, or do you think this committee system in each province is part of the step?

MR. YUZDA: I prefaced my remarks by saying that the system has improved, and I was thinking about that. In reality, I'm not an expert, but I still think that the Prime Minister and Minister of Justice make the appointment. The committee can say what they want; the power of appointment resides in the Prime Minister and the Minister of Justice. I go back to this main point of mine, the ascendency of the executive over the legislative arm of government. It ties into the caucus system and all that stuff. Those are my points.

MR. ROSTAD: Thanks.

MR. CHAIRMAN: Further questions or comments?

Well, you made some interesting points, Larry, certainly with the role that judges are being asked to assume today because of the introduction of the Charter of Rights and Freedoms and their ability to influence public policy through the decisions. In that respect it is important, and it's good that you've drawn this to our attention, because quite frankly you are correct that we have not heard a great deal in the committee about the question of the judicial arm of government, whether or not it's because people are satisfied, by and large, or unaware of the importance.

MR. YUZDA: I'm more inclined to think, sir, it's the latter.

MR. CHAIRMAN: The unaware. Well, thank you very much for coming forward. We appreciate that.

Chris Hylton. Is Chris Hylton here? We'll just take a moment to check that. May I just ascertain whether Frank Warkentin is here? Yes, okay. And Michael Dobbin? Mr. Hylton is on his way here.

Frank Warkentin is here for an 11 o'clock presentation. If you'd like to step in now and take this time, we'd be happy to hear from you. Good morning.

10:55

MR. WARKENTIN: Good morning.

MR. CHAIRMAN: Did I pronounce your name correctly?

MR. WARKENTIN: Yes. I had spoken at a town hall meeting back about three months ago, and I was asked to present what I said there at this forum. This was the town hall meeting in the Calgary-Montrose riding, Rick Orman's constituency. After having listened to several of the comments at that meeting, it reminded me of a lot of the comments that I have heard over the past two or three years from governments at various levels and different people at various levels.

The thing that really concerns me is the general attitude of both people and governments when they are approaching this problem. Everybody is coming at it from a negative point of view, looking at it from: what can we get? How are we going to better address our problems? How are we going to come out of this ahead of somebody else? I think that as a whole I would like to see the governments take the leadership in turning the attitude to a positive promotional attitude of where we've been, where we've come from, and build on that.

The country has been here for over one and a quarter centuries. I think that we are not thankful enough for what we have. We aren't happy about what our fellow brother Canadians have done to build the country to where it is. As I take a look at Canada, I believe that we are in the top 2 or 3 percent of the world as far as the economy is concerned. I take a look at the health and welfare that we have; I take a look at the ethnic cooperation that we have and a lot of these other issues.

First, the economy. Yes, we are in the very top end, but that didn't come about by fighting or pulling apart from one another, saying which is best or whatever. It's everybody getting in together and putting into the country. We have a vast country with natural resources including energy, food, water, and people, and we should build on these positive things and say, "What can we all do together to build the future?" Just in the last two or three weeks I've been looking at the news, at what has happened as far as ethnic co-operation in some of the other parts of the world. We see, as the Soviet Union is disintegrating, that the real underlying problem there is ethnic strife amongst the citizens of the countries. I think that we in Canada should feel very lucky that we can fit together French, English, and all of the minorities that have come. We have very good co-operation. Sure, we do have some ethnic strife; we have some prejudices and whatnot. We'll never get rid of all of them, but when we take a look at them from a world perspective, we should consider ourselves very fortunate. But this does not come by people tearing apart, saying, "How am I going to better my ethnic group or my heritage?" rather than saying, "How can we together be co-operative?" I think the government has a real role to play here in this.

I believe that as we take a look at Quebec, we have to recognize that they are a distinct society in certain ways. We have to recognize it. They're different. They have different cultures; they have a different upbringing. Also, there are many other groups in Canada that are distinct minorities, such as the Ukrainians or the East Indians that are coming in. Each of these is distinct, and they have to be recognized rather than saying that we are going to pull off and be by ourselves or that we don't want them. In the past 100 years if we had not had the input from the French, we wouldn't be where we are today. I think we have to recognize this and not say, "Well, it's fine what you did up to now; now we're going to go on our way, and you go on your way," but "How can we work together?" It's not just the English; it has to be that the French have the same input to that.

Now, how governments, I believe, have festered this is by maybe not patronage appointments but appointments of contracts and positions that are based on political gain or political expediency rather than on true economic and environmental issues, such as some of the contracts that went to Quebec and how they went and how some of the contracts are assigned to various other regions. I think governments have to lead the way by saying that we are going to do what is best for the country as a whole rather than to get particular votes from particular people. I think this is the whole issue that needs addressing, and unless we come from a very thankful position of what we have and build on that, we are going to find ourselves – yes, we can have ethnic strife and tearing of the country just like eastern Europe has if we don't watch it. I think we all have to get in on this together, but it has to be the leadership of the governments at various levels that promotes this.

MR. CHAIRMAN: Thank you very much.
Questions or comments? Sheldon.

MR. CHUMIR: Thank you very much, Mr. Warkentin. I very much share your sentiment that we've got a wonderful place and it should be appreciated in working to emphasize and improve the positive elements. I'm wondering, in the things that you would value, whether the national system of medicare is something that you would see maintained as part of the nation.

MR. WARKENTIN: From an overall picture, I believe in universality as far as health and welfare. It sounds very good, and I think it is good. I really appreciate, having lived in Canada over these last 25 years that I was married, that I could bring my children to the hospital and to the doctor and not have to worry about having to pay, as my brother down in the States who had to dish out $500 some 20 years ago before they would even deliver his baby.

Due to the economic condition of our country and how both governments and the population have tried to take out of the bank account more than they put in, universality is getting to a point where it's being threatened very much. I believe that we should be taking another hard look at total universality. However, as far as our health care, I would like to see it stay quite a bit the same as it is today.

MR. CHUMIR: I agree with your concerns about the economic end of it. The current structure is that certain minimum standards are established by the federal government, and that is generally supported or enforced through some form of federal funding. Would you continue to support a federal role in establishing these standards across Canada?

MR. WARKENTIN: Yes. That is the only way you're going to get fairness across the country. I do believe that the richer provinces should be paying for the poorer provinces, but it has to be on a very fairly distributed means.

MR. CHUMIR: In terms of social programs, we presently have a system in which there are certain basics, common denominators established by the federal government, and some funding granted on the basis of those standards. Would you be supportive of a continuing federal role to establish these minimum standards across the nation, again consistent with our economic concerns?

MR. WARKENTIN: Only to a point. I feel that our country has gone far too socialistic. I believe that we have brought our social welfare and the whole economy to a point that it is getting counterproductive. The incentives for people to get off welfare and get to work aren't there, and I believe that the tax structures have to change so that people who want to work will or can work.

MR. CHUMIR: We're now talking about the range or the level of what these programs should be, and I'm more concerned about a larger structural problem. Should there be some uniformity across the country established through a federal system regardless of what the level is so that we know what a Canadian is entitled or not entitled to?

11:05

MR. WARKENTIN: Yes, I believe there should be a country-wide, federally-set minimum, but handled by the province.

MR. CHUMIR: Okay. Thank you.

MR. CHAIRMAN: Everybody wants to ask you a question now, Mr. Warkentin. So I'll start with Mr. Rostad, Mr. McInnis, Mr. Day, Mr. Severtson.

MR. ROSTAD: Thank you, Mr. Chairman. Mr. Warkentin, I was interested in one of your responses to Mr. Chumir, where you thought there should be standards set by the federal government to be carried out by the provincial governments. Do you have a feeling as to who should fund the standards that are set federally? Take education, because that seems to have been in the forefront of the press recently. If the federal government were to set standards for education, should the federal government then pay for delivering those services?

MR. WARKENTIN: Only if the particular province cannot meet those standards on their own. I believe education is something that the provincial government should run because the economy is run provincially, to the point that local business has different needs in Calgary than they would have in Quebec or the maritimes. Each province should be aware of the future needs of business and make sure that their education provides that type of an educated individual for business. I believe that the provinces should be collecting the taxes for education and they should be administrating it. However, there should be some type of universal minimum standard so that people in Quebec or in the maritimes are not getting a better or an inferior education to those in the west.

MR. ROSTAD: Perhaps as a corollary then, if you were going to have a national standard in education and just say, for example, that Alberta has the best standard, is that then the standard you'd recommend that we have ensconced nationally, and you draw everybody up to that and fund to that? Or do you pick the lowest standard and put that in, and then there's not as much problem funding it?

MR. WARKENTIN: No, I don't believe so. I believe that there has to be a standard set for the country as a whole. However, if a particular province is doing a good job of providing business with educated individuals and is willing to fund that, then the province should bear the cost of it but also get the benefit from business and future business taxes because of the people they have put out into the work force being better educated.

MR. ROSTAD: Thank you.

MR. CHAIRMAN: John McInnis.

MR. McINNIS: One of the more interesting items brought to the table this morning by Vic Burstall was an article written in the *Canadian Bar Review* by Andrew Petter, who is very shortly to become the New Democrat Attorney General in British Columbia. That's inside information here. It's interesting; the article points out that there is no such thing as a spending power for the federal government in the Constitution, that what has grown up, the system where the federal government dictates terms of social programs using cost-shared, 50-50 grants, isn't really part of the Canadian Constitution. It's just grown up as a matter of convenience – this coming from a New Democrat. So if there is a knee-jerk view that the solution to all the problems is more federal authority, it certainly can't be tied on the socialists, not in an unqualified way anyway.

I wondered, with respect to your comment that we're becoming too socialistic in our country, do you mean in reality that we have too much federal incursion or too much centralization of authority in terms of the way our social programming is developed? Is that a fair interpretation of your concerns?

MR. WARKENTIN: Yes. What I'm referring to there is the baby bonus and old-age pension and welfare that we are passing out. I know for a number of years I received the baby bonus for my kids. I didn't need that any more than I needed a raise at the time because I had plenty of money, but here I was still collecting this baby bonus. I believe that we have to get a real grip on things, saying, "What are we passing out, and who are we passing it out to?" because of the welfare mentality that this country has got to as far as old-age pensions and whatnot. My father, who just passed away, got old-age pension. He didn't need it. I've got aunts and uncles who have hundreds of thousands of dollars in the bank, and they're collecting old-age pension. Somewhere along the line people that are earning $15,000 to $20,000 a year are putting money into a fund that people like my aunt and uncle are drawing from. To me that just doesn't make sense.

I take a look at the Canada pension plan. I have approximately 20 or 25 years to go until I collect it. There will not be any Canada pension plan there or any old-age pension when I get there. I am positive of that because there aren't enough people coming up behind me that are going to be able to support that, and the government will be long broke. Sometime between now and then there is a government that is going to have to say, "We are going to stop this universality." It's going to be a very drastic move by somebody, but it is going to come, and I think we should start to look at it today. So it's something that – those who need it, I have no qualms about them having it, but for those of us that don't need it, just to make it available just doesn't make sense.

MR. CHAIRMAN: Okay. Thank you.
Stock Day.

MR. DAY: Thanks, Mr. Chairman. I want to pursue that line just a bit. In terms of establishing the constitutional jurisdiction in social programming, how flexible should it be, in your view? I'll use as an example that two provinces can have a very distinct difference in philosophy in terms of how they want to handle, let's say, social assistance. You mentioned yourself, Mr. Warkentin, your feeling that there can be too much disincentive to work. I just say this as an example: you could have a province like Alberta, with a small "c" conservative view of how to handle people who aren't working, as opposed to Ontario, with an NDP government with a totally different philosophic approach. Here you've got the federal government handing out the money for social programs, wanting some strings attached. Constitutionally, how much flexibility would you be prepared to see to allow, as an example, Alberta to take the federal money but do their thing in terms of programming, or Ontario, with a different philosophy, to take that federal money and go on a completely different track? How much flexibility?

MR. WARKENTIN: I think we should have a lot of flexibility. One of the main things that I am coming from is a different point of view, that I believe the people are the government and the people will elect people at the various levels to do what they want them to do. I believe that each province, as I said previously, is in a different economic environment, and they are best suited for handling the welfare, the education, and this for their region. There should be some minimum standard set, but the federal government should be giving the money to the provinces and letting the provinces handle it. If the province isn't handling it correctly, it doesn't matter whether it's an NDP government or a Conservative government; that government will be replaced down the road. I think that if governments would start to truly listen to their constituents rather than just following party lines, we would have a far more fair distribution of social welfare and education programs.

MR. CHAIRMAN: Thank you.
Gary.

MR. SEVERTSON: Thank you, Mr. Chairman. You mentioned in your presentation that you recognize that Quebec is a distinct society, and you mentioned others, like Ukrainians and so on. Do you feel, then, that it should be written in the Constitution that Quebec is a distinct society or left out of the Constitution?

MR. WARKENTIN: I believe it should be part of the Constitution that they are a distinct society, because they have a different heritage than most of the rest of the country. However, that distinct society should be for cultural reasons and not for economic reasons. We cannot give Quebec an advantage or a disadvantage as far as handing out government contracts and whatnot because they are a distinct society. But I think we have to recognize that they are a province that speaks mostly French. I believe that if Canada would approach it properly and do the proper promotion, the people in Quebec would be more willing to accept where Canada is coming from.

I think it was a real disaster for the young people of Quebec when Bill 101 came in. I watch the news, and I see people in China and in Croatia and in the Soviet Union, right down on the streets in Moscow, and these people are talking English, not very good English, but a lot of them talk better English than some of the people in Quebec talk. I think that if English is kind of a world language – and some may object to that, but commerce on Bay Street and Wall Street is done in English. I believe that the people of Quebec should have it pointed out that English is very important for them economically. But if we would let them have their other cultural background and let them be a distinct society from where they're coming from . . . You also have to recognize that because of where they're coming from, they may want to handle some of their education and some of their social welfare problems differently than Alberta or B.C. would. I think they should have the right to do that, providing the majority of the Quebec people are in agreement. And if they're not handling it the way Quebec people want, then that government will be replaced.

11:15

MR. CHAIRMAN: Thank you very much, Frank, for your presentation, your comments, your answers to some interesting questions, and for coming forward.
Chris Hylton. Good morning.

MR. HYLTON: Good morning. Sorry I missed your earlier call.

MR. CHAIRMAN: Well, that's fine. We've had to do a little switching around this morning, so thank you for coming.

I should also just welcome a class who've come to sit in for a while from the Alberta vocational centre, a social class. So we have a somewhat larger audience than we've had on other occasions.

MR. HYLTON: I'll take any audience I can get.

My remarks have been photocopied, and I think the members of the committee may have them at their disposal.

I'd just like to comment on the particular room design you've chosen. I myself find that talking to the committee is fine, but I'd very much like to talk to the class in question, and I wondered if maybe in future gatherings you'd broaden it a little bit. Just a side comment.

MR. CHAIRMAN: We tried to design a table that would make you feel comfortable and part of the group who are here without providing a podium or requiring anybody to stand and address a crowd, so it's a little bit different balance. Anyway, thank you for your comment. They can all hear you, by the way.

MR. HYLTON: That may be a difficulty.

I'd just like to open my remarks by quoting from the citizens' forum. I think their remarks are very apropos.

> Having criss-crossed this country in every direction, and met people of every origin and status, in large towns, tiny hamlets and farms, I find a deep similarity of values and ideals among Canadians.
>
> That similarity includes British-origin Canadians, Quebeckers and other French speakers, Canadians of other immigrant cultures, aboriginal peoples – everyone – with enough in common to bind us far more strongly than now.

Those were kind of the chairman's foreword remarks in the publication. I felt that they were very much apropos to our endeavours today.

While I cannot pretend to have seen or experienced all Mr. Spicer and his merry band have, having lived in Ontario, Quebec, and, for the last 10 years, in Alberta, I feel I have some understanding of the common goals and aspirations of Canadians which Mr. Spicer talks about, and I agree that there is much more that binds us together than sets us apart. Why, then, are we having such trouble establishing mechanisms and structures which reflect these common values? To me there are three basic issues here. Overly centralized government: Toronto, Montreal, and Ottawa voters rule Canada; overly centralized economy: the big get bigger; and the nature of politics: if you can't bash your friends, who can you bash?

With respect to the first point, I guess myself and other Albertans have viewed too many federal elections where the outcome was decided before the polls closed in Alberta. As a result, one naturally gets a sense of merely going through the motions. With close to 8 million voters in western Canada, we deserve better. The triple E Senate represents one possible solution to this issue, although regional federal political parties, as appear to be developing at the moment, are perhaps a better bet.

Provincial and federal governments have seen fit to protect the little guy with respect to buying a car, obtaining a franchise, buying a vacuum cleaner, or fighting discrimination in the workplace. The same protection does not appear to exist at the political level for powerless regions or provinces. Perhaps what is needed is a political ombudsman or government mediator whose role it would be to oversee intergovernmental matters.

I applaud attempts to decentralize federal government operations. One can only speculate what would have happened to the cherished national energy strategy of the early '80s if the NEB had moved to Calgary in September '81 instead of a decade later.

With respect to the overcentralized economy, I have no problem allowing the free market to determine where manufacturing plants, head offices, or service jobs should be located. However, I have serious reservations about our national government compounding the distinction between central Canada – Ottawa, Toronto, and Montreal – and what MP David Kilgour has termed outer Canada in terms of distributing government contracts and grants.

In 1987 the federal constituency of Etobicoke North alone received $1.3 billion in federal grants compared to the four prairie provinces, with over 7 million residents, which received only $933 million. Roughly 75 percent of federal procurement spending went to Ontario and Quebec in the late '80s. I have no reason to believe this has changed today, although some strides are being made in this regard.

To give you some idea of the pattern of government spending, I refer to figure one, which is the last page here in my submission. In 1987 and '88 Quebec and Ontario received over 50 percent of federal spending, while the four prairie provinces received about 11 percent. You'll note that New Brunswick received a fair bit right there from the patrol frigate program, which was not repeated.

The third issue I think dividing us is the very nature of politics. It's perhaps the one most troublesome to deal with. While structures and plants can be moved and changed, public perceptions of the regional interests within Canada are much more difficult to alter. Just as Lougheed needed to bash the feds to bolster support around elections, so Quebec politicians now need to play up the victim-of-racism role in order to win votes. The current spectacle of rival Quebec politicians trying to outdo each other promoting sovereignty for some while busily destroying the way of life of Quebec's first citizens, the Inuit of Grande Baleine, in the search to power New Yorkers' air conditioners points out some of the failings of our political system.

I would like to suggest that Quebec voters, like Ontario ones, want security, respect, and a chance for their families to grow up healthy and prosperous. Amending formulas, notwithstanding clauses, and Charter of Rights issues really don't amount to a hill of beans compared to one CF-18 contract. Sure, there have been some nasty bits of legislation like the language Bill foisted upon the Quebec English minority, but one must remember that the French were just returning a bit of English corporate medicine of the '50s and '60s, when at many companies French-speaking employees were forbidden from writing memos to each other in French.

While Quebec politicians flail at English-Canadian oppression, I believe that the average Quebec voter will look at the good deal Confederation provides now and vote with his or her pocketbook to stay within Canada. If one doubts the favourable treatment Quebec has received from Confederation in terms of federally distributed goodies, just look at figure two, which governs the period 1961 to 1988. Quebec was clearly a Confederation sweepstakes winner, receiving $136 million more from the feds than they paid. It is interesting to note that Alberta is the exact opposite, having given $145 million more than it received from the feds.

MR. CHAIRMAN: Excuse me. Just for the record, you're talking about billions, not millions.

MR. HYLTON: Oh, right. Okay. Thank you for that.

MR. CHAIRMAN: Okay. There's a *Hansard* record here, so we do like to . . .

MR. HYLTON: Right. Good point. I couldn't even believe the millions, so I certainly wouldn't believe the billions.

MR. CHAIRMAN: Well, the chart says billions.

MR. HYLTON: Yeah, you're right. Thank you.

I believe we have a major selling job to ensure that Quebeckers feel we do not reject them. Perhaps we need a bit of boosterism. Canadians tend to be the quietest when it comes to explaining who they are and what they represent. The many good aspects of Canadian life could form the basis of an advertising campaign to win the hearts and minds of voters coast to coast. Soft sell, hard sell: I don't care. Let's strike up the band and shout our accomplishments before it is too late.

11:25

The role of the federal government. I would like to see Ottawa adopt more of a facilitator and cheerleader role rather than the current role of policeman or government boss. I see a federal government useful in determining minimum standards for national social programs, health, education, interest rates, et cetera, but that the substance of these standards should be determined through discussions with the provinces. In advocating stronger provincial power, I run against the majority of Canadians making presentations to the Spicer commission. Figure 3 shows that close to 60 percent favour a stronger federal government. Only Quebeckers suggested a need for more provincial power. I can't see how the results could have been skewed this way; perhaps it was the way the question was asked.

Distinct society. No issue has received more attention than that relating to Quebec's desire for a distinct society. I believe that economic immigration trends, coupled with a declining French birth rate, represent a greater threat to the survival of French in Quebec than failure to achieve a distinct society. Nevertheless, I hope that tomorrow Joe Clark will release a strategy which will not only ensure a distinct society for Quebec but also provide each province the means to determine how its own society can become distinctive. Alberta and the other provinces have reacted poorly to this issue in my mind. How can one argue with Jean Allaire, head of the Quebec Liberal constitutional committee, who suggested that instead of complaining about the powers Quebec wants the other provinces should demand the same treatment? Perhaps Quebec is the catalyst needed to shake up our political structure and bring about much needed reforms.

Government bureaucracy: too much of it. Statistics Canada says that Ontario, with a population of close to 10 million, supports about 175,000 civil servants, or about 18 civil servants per 1,000 population. Staffing levels for B.C. and Quebec are about 21 per 1,000. Alberta has a rate of 35 per 1,000. Cost savings, if we could approach the staffing rates of the other provinces mentioned, would be up to $1 billion. I know that the standard response of politicians asked to make cuts is, "Which programs do we cut?" I would answer: "None. Just act more responsibly in your stewardship role and ensure that the services are delivered where needed and in the most cost-effective manner possible." If companies can cut and cut and still provide service, so can the civil service.

If the civil service can't produce in a cost-effective manner, perhaps the private sector can. I am pleased with the recent initiatives of the federal and provincial governments and believe there are many other opportunities in this regard.

Thank you.

MR. CHAIRMAN: Thank you very much, Chris.

Questions or comments? Yes, John McInnis.

MR. McINNIS: Mr. Hylton, I think your submission reflects a dilemma that a lot of people feel. On one hand, you say you support more provincial power at the expense of the federal government and to change the role of the federal government from a policeman to a facilitator, but you also talk about the need for national standards. Now, I think Mr. Chumir mentioned the example of the Canada Health Act where national standards are provided for provincial medicare programs and shall be observed under threat of reduction of federal transfer payments. Do you have in mind a different model of national standards, or perhaps you could explain that dilemma away for me?

MR. HYLTON: I guess I wasn't looking so much for a cheerleader role with respect to federal social problems; it was more with respect to economic matters and interest rates and interprovincial trade and maybe trade between the United States and the regions in Canada. I feel a lot of work needs doing in that area, and I think the provinces doing it singly perhaps dilutes the importance of them. I think the feds could get in there and perhaps act as a facilitator and a go-between. I agree with you; I think federal social programs need to be mandated federally.

MR. CHAIRMAN: Other questions or comments?

Well, thank you very much for giving us your written brief. Just one comment that you made about the way the question is asked: that often in polls and so on can determine the outcome. I think you've made an interesting point there.

I just wanted to clear up one. You talked about the "cherished" national energy strategy.

MR. HYLTON: Tongue in cheek.

MR. CHAIRMAN: I wondered if that was what you had in mind, or whether you in fact were a supporter of that. I take it you were not.

MR. HYLTON: That's right.

MR. CHAIRMAN: Thank you very much.

MR. HYLTON: Thank you.

MR. CHAIRMAN: Thank you for coming.

Michael Dobbin.

MR. DOBBIN: How do you do.

MR. CHAIRMAN: Good morning.

MR. DOBBIN: Thank you very much for having me. I'm very pleased to be here, and I will be brief. I'll read so that I stay brief; I'm not famous for it.

As a little bit of background, I'd just like to let you know something about who I am and the perspective from which I speak today. I'm a native Calgarian who has lived and worked in both British Columbia and Alberta as well as Ontario and England. I'm a theatre artist who has been toiling professionally for 22 years as an actor, director, and producer. I have served for 15 years on the board of the Professional Association of Canadian Theatres, and I have a broad overview of the performing arts in Canada. I am currently the producing director for Alberta Theatre Projects in Calgary. We are known for the quality of contemporary theatre and our commitment to the development of Canadian plays and playwrights celebrating the Canadian spirit. In another realm I serve on the advisory council to the Calgary Economic Development Authority, and I'm on the Quality of Life Task Force as part of the Into the 21st Century long-range economic plan for Calgary. I speak to you today from these perspectives but simply as a private citizen.

I thank you for the opportunity for making this intervention, and I will touch on the following subjects. Whereas each of them could probably fill all of my time, I hope that the mention of them will bring them forward to the record and will at least command your attention and perhaps further discussion as necessary. The subjects are: the rumoured devolution of the federal power and responsibility in the cultural sector, the Francophone culture as a model for the rest of Canada, art as a reflection of life and its relationship to the future of Canada, and the status of artists in Canada.

On devolution I feel comfortable in telling you that there is an almost universal fear and terror amongst the artists and arts enterprises of all disciplines in Canada regarding this prospect. While no tangible facts are available to us, we are told that devolution could mean, among other things, the dismantling of the Canada Council and other agencies such as the CBC, the National Film Board, Telefilm Canada, and so on, and the distribution of the responsibilities of these organizations and the budgets that they carry amongst the provinces. The arts community of Canada, I believe, would say this must not be allowed to happen. Certainly personally that's how I feel.

Using the Canada Council as my model here, it is the one critical element in an extremely complicated and delicate formula which fosters, supports, and enhances artistic expression in this most unusual nation. The central influence it has had upon the evolution of a cultural identity through the work of artists in every discipline has been fundamental to the growth of this country and its enviable character around the world. Art in Canada, whether it be ballet or theatre, writing, orchestral music, visual art, video, popular music, jazz, opera, or whatever, has been encouraged and legitimized through the evolution of a complex financing structure involving the federal government through the Canada Council, the provinces through various agencies and ministries, the municipal governments, and, very importantly, the private sector.

It has taken 35 years to develop the formula. Now is not the time in national cultural crisis to cast this system aside; in fact, I submit that in a crisis period where Canada seems unable to clearly define itself, the contribution of artists in Canada should be extended, not curtailed by changing the rules of the funding game. Besides, we've seen other programs of federal devolution where the feds hand over the responsibility to the provinces, complete with the money to do the job, only to cut off the financing with the next round of budget trimming in Ottawa. I urge you to be wary of and to reject any notion of transfer or devolution of cultural and artistic enhancement currently in the envelope held by the government of Canada, and don't let them give over this responsibility to Quebec, either.

This could be one of the most disastrous concession cards to play in the Quebec negotiation. While I heartily agree that Quebec should be permitted to have full control over cultural affairs within the rich societal framework of that extraordinary part of Canada, I think we must be very careful to understand what Quebec wants out of this. By my interpretation of the Quebec Act, the French of Lower Canada were promised full control over cultural and linguistic matters. Part of our problem in non-Quebec Canada today is our near total ignorance of the Quebec Act and the terms it promised and which Canada has never actually ceded to Quebec. Cultural autonomy means just that, but it does not mean that there should not be a central agency in Ottawa to which Quebec could apply for assistance in financing artistic expressions within their distinct society, a society which in many ways is defined by its artists.

11:35

I feel one of the principal roles of the federal government is to keep our country in touch with itself. We are too few bodies in too much real estate, and we need help in keeping some links amongst us. In the case of the Canada Council, the CBC, or the National Film Board they and their funding programs are the glue which helps to bind the creative community together, across language barriers and provincial boundaries, from coast to coast.

In Quebec people speak with hushed reverence about the so-called quiet revolution, which led them to the new sense of self and self-determination we see today manifesting itself as the across the society separatist movement. The quiet revolution brought Quebeckers a deep sense of confident self-determination and clear understanding of their rights to be seen as unique and distinct in this Confederation. I believe they have earned this privilege because they have worked very hard at defining and celebrating themselves as a people, a French people, afloat in a non-French continental sea of unlike societies. We should use theirs as a model and be prepared to invest similar amounts of human and financial resources in the pursuit of our own regional identities, and then, but only then, we can celebrate the true sense of societal self we have built.

To me it is absurd to presume to call Alberta a distinct society in the same way as Quebec. We have not invested and worked together long or hard enough to earn that label. Look at Calgary and Edmonton, for goodness' sake. The rivalry and bitterness shared between the two communities is not healthy. It may work for hockey, but it doesn't seem to me to help humanity or the economic development of our province or our sense of a society together. We can hardly consider ourselves a consensus of social or cultural values even between north and south of our province.

The quiet revolution was fed in Quebec by its artists: the heart and soul, the conscience and spirit of the culture. Artists in Quebec have a status in the culture which exceeds even the best of lots for artists elsewhere in Canada. Canada, and for that matter the entire western world, is in the midst of the postmodern revolution – we see it around us all over – and has, I submit, to invest more in its artists to help our society grapple with the big issues facing us.

Artists in non-French Canada have been marginalized to such an extent that even they often do not all see the responsibility they hold. But to beat the jealous rantings which I often hear against a self-confident Quebec, I firmly believe the artists of our culture must be called upon, supported, and celebrated as they take a leadership role in the new Canada.

Examine the history books; look at what we know most of the powerful, civilized, and successful cultures which preceded us. What is the legacy left by ancient Greece, Rome, the Mayans and Aztecs, the Renaissance, and the aboriginal cultures of North America? What is it we know of these people and their prowess? We know and cherish the record left by their artists: their poets, painters, playwrights, sculptors, philosophers, composers, and storytellers. We are not nearly as familiar with the accomplishments of their sportsmen, businesspeople, theologians, or, with all due respect, their politicians.

I believe the future of Canada is in all of our hands, and we must all accept responsibility for it. I also believe that the artists of Alberta and every part of Canada must be empowered and encouraged to help put the hearts and minds, energy and effort of our people to the task. Government has a vital role to play in this: your government, municipal government, and, perhaps the most philosophical and critically, the government of Canada, the Canada which inspires our artists and which is celebrated daily in their work.

Thank you.

MR. CHAIRMAN: Thank you very much for coming forward. Stock Day and Sheldon Chumir.

MR. DAY: Thanks, Mr. Chairman. Michael, you're going to have to help me. In terms of addressing constitutional issues, you've raised some questions here and you've made some comments which – I'll be frank with you – in talking over the last few years with constituents on some of these issues, unless they're representing the artistic community of which you're a member, I don't know that their views necessarily coincide with yours in terms of artists being ones to define who Canada is, because Canadians aren't able to define themselves. It seems the artistic views, or the view of artists, are as a diverse as Canadians themselves.

The National Film Board being part of the glue that holds us together, either rightly or wrongly – most of my constituents see the National Film Board as that organization that from time to time between programs on television provides a brief interlude talking about the mating habits of the loon. I'm not saying that critically; I'm just saying that as a state of affairs. What are you asking for, or what are you suggesting to us to be enshrined constitutionally that's going to meet your concerns but also not offend my constituents, I guess I can say? Ten years ago people were saying about Canadian content rules: "We want to watch whatever we want to watch. If we want to watch something from the back side of China all the time, then we should be able to do that." Hence the proliferation of the satellite dish, so people can watch whatever they want. People seem to want to make those decisions. What can we enshrine in the Constitution? What are you asking for in a constitutional sense?

MR. DOBBIN: First of all, there are a lot of questions you're asking there.

MR. DAY: But it still comes back to the one.

MR. DOBBIN: The constitutional issue: I think it's very important that the national cultural institutions not only be retained but be enhanced. They certainly must be protected from dissolution by virtue of handing over a few of the small number of dollars they have at their disposal in some formula way to the provinces. For example, let's use the Canada Council, or let's use the National Film Board, since that's one that seems to be closer to your constituents' hearts. If the National Film Board budget was divided up amongst the various provincial film development organizations, I can't imagine that you'd see any real result from it. It would be absorbed and disappear. It seems to me it would either be replaced by virtue of provincial government cuts and therefore restrain the size of the pie anyway or it would dry up at the federal end given other precedents and the tendency for that kind of thing to occur in just sort of natural economics.

For the general public the National Film Board may very well only be seen as the loons crying on the water during CBC dead time, but quite frankly our film community in Canada is founded upon and flourishes because of the reputation and the work and the long sort of research and development germination periods that are allowed for and conducted by the National Film Board. Canada wouldn't have very many filmmakers who were prepared to stay and work and produce their work and share that with Canadians first. Most Canadian filmmakers already are Californians, but I submit that without the National Film Board nearly all of them would be, and the prospect for future filmmakers in Canada would seem very gloomy indeed. I'm not suggesting that the National Film Board is doing the best job. I'm suggesting it is doing a very important job which should be enhanced.

The Canada Council is practically totally hamstrung by its extremely choked off and limited budget, but it's a very important institution which has a lot more to do than it's able to do at the moment. It has everything to do with the creation of an umbrella Canadian identity through its artists which does serve. Of course, artists are very diverse in their point of view. That diversity, held together by an umbrella organization or an umbrella idea even, will eventually be described in the history books as the cultural identity of Canada. Agencies whose responsibility it is and the Canada Council base decisions on artistic merit, not on how many people participate or how many sponsorships you can find. They base their decisions on artistic merit by peer judgment, and those peers come from all over the country. It doesn't matter if you're judging your application to do a new sculpture or my application for an operating grant for Alberta theatre projects; the peer judgment group comes from all over the country. It's an extremely valuable and very, very important element of the artistic foundation of this country.

We have lots of complaints about the Canada Council, every one of us, but I think we'd have a lot more to complain about if it wasn't there. I hear from my Quebec contacts, my colleagues in Quebec, that even they are beginning to rethink this prospect. They see the danger in sort of being given their piece of the pie and told to kiss off. In the long haul, Quebec's relationship with the rest of Canada artistically would suffer for that, and so would we.

11:45

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you, Michael. You've been very clear in your opposition to devolution of cultural jurisdiction in respect of these agencies to the provinces, and I must say I'm somewhat sympathetic to your perspective. I want to ask a tangential question which has been dealt with extensively at our hearings, and that relates to medicare and social services, which at the present time have standards set by the federal government bolstered up by federal funding. There are some who would like to get the federal government out of these programs and devolve jurisdiction, exclusive authority, and decision-making to the province. I'm wondering where you would stand on that issue.

MR. DOBBIN: Personally speaking, I find it a rather horrifying idea. I don't necessarily agree that the system is right the way it is. I think it requires modification; I think the gentleman who spoke earlier about universality in every respect with all the programs may well be right. But I think it would be a nightmare if the federal government simply said with social services, social security programs such as the health system or pensions, "Here we go, however many regions or provinces want to handle this," toss it away, and basically say, "Make up your own rules."

The gentleman who spoke before me talked about having a better system of distribution. I submit that the wisest, most socially conscious government that used those funds and created policies to make the best life for their people in their province with the resources available would have an extraordinary problem in keeping people outside of the province. I mean, we already see this; we saw it during the boom times in Alberta. When I was living in British Columbia, many, many older people moved to Alberta to retire. They didn't move because they liked the scenery. They moved because they liked the social programs. It was easier and better access, and it made more sense to them to think about living the last part of their life and dying in Alberta than it did in British Columbia where they weren't sure what was going to happen to them. I think that would be an enormous problem. How do you keep the Newfoundlander who needs the care that Alberta can offer out of Alberta if you're trying to protect your share of the pie?

I think that if we're going to be a country, we have to do things with a central government. We may not like the way it works right now, but I think that's what we negotiate: don't take it away; let's find a better way.

MR. CHAIRMAN: Yes, Pam Barrett.

MS BARRETT: There has been a lot of talk of social contract, and no one to date, to my knowledge or my memory at any rate, has raised the issue of the arts or any of our institutions like the NFB. The most that people have talked about would be the CBC. I wonder if you think that in a social contract – should that be on the table – some recognition of the arts, maybe not specifying the institutions, although I wouldn't rule that out, is essential to your argument? Do you believe that would be a very useful thing?

MR. DOBBIN: First of all, I should say that the only reason I didn't mention the CBC is because my opinions are on record very strongly about the CBC. I certainly feel the same way about the CBC as all the other agencies, maybe more so. I think the CBC truly is the glue that binds us.

On the issue of social contract and where the arts and artists belong, quite frankly I believe we should be writing the contract. That's really what my last comment here is saying. Artists in Canada have been so severely marginalized that even they don't see their role as small "p" active, political human beings. But that photograph and that painting are political statements; every artist is a politician and every artist has a social conscience. That's why we do what we do, and we cannot live without doing it. Whether you are recreating a Shakespeare play for production in Calgary in 1991 or whether you are producing the new Brad Fraser world premiere which speaks with a very heavy hand to people in our society today, we are all making political statements.

Something happened in this country when the European settlers reached the west. It's a little more clearly defined in Toronto where the tradition of Europe didn't quite get wiped out. What it was – I submit that when my grandmother, who was a highly cultured individual, arrived here, landed on a speck on the map in Saskatchewan that was her homestead, she didn't have anything but survival in mind. As she built her first sod hut with her husband, the idea of music and literature and visual art was furthest from her mind. Her first winter in Saskatchewan was a matter of survival, and priorities shifted. Unfortunately, to a great extent the placement of artistic sensibilities in the minds of second-, third-, and fourth-generation western Canadians whose roots were in those pioneer sod huts – it seems to me the artist has been marginalized. If you look at Europe, look at Czechoslovakia: the quiet, so-called velvet revolution of

Czechoslovakia, during which not one shot was fired, was led entirely by their artists. Václav Havel, the president, is a playwright; his minister of finance, I believe, is a set designer. They are my heroes. I don't even know these gentlemen, but I intend to find a way to meet them and to understand how in their culture the artist was not marginalized so far that he and she were not allowed to rise to the situation where they find themselves leading the country and leading the culture.

MS BARRETT: I rarely offer an editorial comment, but I must in this case. I've been the arts critic for the New Democrats since I got elected in 1986 and in fact was the founding person for our arts policy committee. I'm absolutely thrilled to hear you speak, because you are, as I said earlier, the first person who has ever even talked about the arts in a general sense at these hearings. I'm delighted that you've come forward.

MR. DOBBIN: Doug Main mentioned to me the other day that there had been one. Now, was that me on the list or was there one other?

MR. CHAIRMAN: No, there was one other: Myrna Kostash.

MS BARRETT: Did Myrna present? Maybe I wasn't at those hearings.

MR. CHAIRMAN: You weren't there. It was the last panel.

MS BARRETT: Ah, yeah. Okay; yes, she would. Good.

MR. DOBBIN: Well, I'm disappointed to see that too, because I think that again shows you how far marginalized artists feel in our society, that they don't think they have (a) a responsibility to be here and (b) any clout when they get here.

MR. CHAIRMAN: Well, I don't want to be too editorial here, but have you ever given any consideration to the thought that if artists are marginalized, it's because they have become so dependent upon state largess?

MR. DOBBIN: Actually, we're not dependent on state largess.

MR. CHAIRMAN: I'm talking here about the Canada Council, the CBC, the National Film Board: all these creatures of government. If you look at the artists in Czechoslovakia that you referred to, they were persecuted by government until they finally cast off state control.

MR. DOBBIN: No. Excuse me, but you're wrong there. Art in Czechoslovakia is 100 percent state funded – 100 percent. They were persecuted, all right, and some of them were forced to leave the country.

MR. CHAIRMAN: The ones that are now in office are people who were not satisfactory . . .

MR. DOBBIN: That's right. They chose not to take the money from government.

MR. CHAIRMAN: . . . to the state-controlled agencies for decades.

MR. DOBBIN: Yeah, that's right.

MR. CHAIRMAN: Then they emerged from their oppression by state-controlled agencies.

MR. DOBBIN: Havel wrote his plays in prison, but they were produced in theatres that were state funded.

I'd like to clarify that I don't think we are a drain or a leech or a draw on society in an inordinate manner. The arts and cultural sector in Canada, when compared to other subsidy areas, whether it be agriculture, the oil patch, manufacturing, or whatever, is a minuscule amount of money being poured into the identity and portraiture of our society for the future. The formula works pretty much on a one-third/one-third/one-third basis. Government subsidy at all three levels only accounts for about one-third of the funding of the arts in Canada. Public participation accounts for about one-third, and the corporate and private sector through contributions and sponsorships is the other third. Unfortunately, government keeps telling us that the private sector will fill the gap. The private sector keeps telling us that it's impossible, and we believe them. The movement forward in the partnership between the private sector and the arts community in the last 10 years has been enormous, but they can't do it alone. Starvation of the Canada Council or freezing of Alberta culture funding for the arts over five- and three-year periods causes enormous imbalance in the formula. The private sector is not able to fill that gap, nor will they ever be able to catch up.

11:55

MR. CHAIRMAN: Well, Gary Severtson has a question as well.

MR. SEVERTSON: Yes, Mr. Chairman. Michael, I'd like to ask you a little bit about the CBC. You mentioned that it's the glue that binds the country. It's my understanding that the CBC has a French department and an English department which basically go their separate ways in a lot of areas, even in their newscasts and a lot of their programs. If you've got a CBC that's supposed to be national and they've got two departments that go their separate ways, does it glue or does it sometimes divide the country in what the people hear?

MR. DOBBIN: Well, I have to say that my knowledge of what happens on French CBC is extremely limited because I can't speak a word of French. I spent three weeks in Quebec this summer as part of the Governor General's Canadian Study Conference, and I was dumbfounded to see how pervasive the separatist feeling is in Quebec. But I was even more dumbfounded to realize how almost totally ignorant most Quebeckers are of the rest of Canada: not quite as ignorant as most of us are of them, but nearly. That means to me that the French network must not be doing anything to help them understand us.

I think that Patrick Watson has in mind a plan for the CBC which would see a much greater crossover. I don't know quite how he would define it. I think it involves, though, a kind of bilingual television and radio network with the balance for non-French Canada being in English and vice versa in Quebec but there still being an opportunity for either programs in translation or programs in an opposite language with subtitles or something like that where we can actually see and hear one another more often. I think that CBC radio is an international success story and that CBC television should be made to follow a similar kind of model. I don't know whether they will ever be successful, though, if they aren't allowed to have the resources to do it. Television and radio production are enormously expensive, and the fact that the CBC costs a billion dollars a year to run I think is a fairly minimal investment compared to what the results of its product might mean for us.

MR. SEVERTSON: No. I just wanted to ask the question about the two departments. That's a real concern of mine that . . .

MR. DOBBIN: I think it should not be separated. I think they should at least at the management level be very carefully integrated.

MR. SEVERTSON: Thank you.

MR. CHAIRMAN: Thank you very much.
Just as a matter of interest, how do you react to the Bryan Adams controversy?

MR. DOBBIN: Which one?

MR. CHAIRMAN: The current one that his most recent album is not considered Canadian content despite the fact that he's a Canadian artist.

MR. DOBBIN: I'm sorry. I don't know that story. Who's saying that? The Canadian government, the CBC, or . . .

MR. CHAIRMAN: Somebody in the cultural hierarchy of Canada. I'm not entirely sure who. But in any event . . .

MR. McINNIS: It doesn't qualify for airplay as Canadian content because the production is American basically. He's Canadian, but you have to have two out of three, and he's only got one out of three.

MR. DOBBIN: I'm not sure I can agree with that, but I can sympathize with where they're coming from since the majority of people involved in the recording industry in Canada are not the performing artists but the technicians and craftspeople, and in order to keep them in this country we're going to have to make sure we don't send the work out of the country too often. The quality they can produce is world-class. Whether the economics are right or not: I don't know enough about the business, but it seems to me that would be where the squabble is.

MR. CHAIRMAN: Well, I was just curious if you'd formed an opinion on it. You're not familiar with the issue, so it's not fair to ask you.
Thank you very much and we appreciate that.
I think we now stand adjourned for a lunch break. Thank you very much.

MR. DOBBIN: Thank you.

[The committee adjourned at 11:59 a.m.]

1:08 p.m. **Monday, September 23, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, we are ready to proceed. Apparently Mr. Allen is not present. Therefore, if Mr. Hall is here and would like to proceed, we shall do that.

Yes, Mr. Hall. Welcome.

MR. HALL: Thank you very much. I have really a relatively lengthy series of comments that are very difficult to summarize in a brief presentation, but I can recite the main guidelines first and perhaps explore the remainder as far as we might be able to go.

MR. CHAIRMAN: Thank you.

MR. HALL: Canadian constitutional reform comments are made in response to a political invitation for citizen participation despite general public unfamiliarity with existing provisions. Relatively brief consideration has been given to a demanding topic. It should be studied in depth, edited, and reviewed over an extended period of years. Passage of time and changing conditions influence a continuing update.

Reference jurisdictions include federal, provincial, territorial, offshore, and international, with repercussions through the municipal, community, and individual responsibilities associated with social, cultural, economic, political, and bureaucratic consequences. Order of reference is subject to close interrelationship of some topics.

Constitutional matters of concern. Number one, definitions: Canada, Canadians, political systems, political mantle. Number two, regional historical changes: initial divisions, development divisions, current regional status and balance. Number three: development of Canada internally, internationally, and globally; extraterrestrial. Number four, regional differences: geographic and population distribution, cultural and social, economic, political, federal impact. Number five: impact of socialistic state federally, provincially, individually; bureaucratic growth; economics; national debt and social services; tax policy and reform; inflation and taxation. Number six: tradition versus pragmatism, financial burden of political representation, public servants or masters, unions in the public service. Number seven, revise approach and reform: revision of old party lines, introduction of political alternative, establishing individual rights, senior rights and recognitions, responsibilities and expectations regarding children.

Under definitions, (a) is Canada. Today's Canada is a huge area. A small population of 27 million includes 10 provinces, two territories, and the district of Franklin in the Arctic islands. Evolution from colonial status and associated native Indian, Spanish, French, and English derivation has been achieved by historical treaties which changed the areal division of Canada.

Economic and social developments made Canada an independent country remarkably attractive to other cultures for its characteristics of peaceful, democratic freedom, cultural and social development, and opportunity under middle-of-the-road political policy. Participation in two world wars, immigration, and economic development increased population and established Canada globally. Dedication to unity from sea to sea has been undermined by stubborn traditionalism focusing on Francophone/Anglophone entity.

Item (b), Canadians. By heritage, tradition, and current action, Canadians are identified with exploration, immigration, enterprise, industry, education, aesthetic development, adjustment to local and international factors of influence, and a preference for a democratic way of life. Aboriginals and immigrants acted as explorers assisting in creation of settlements throughout Canada. Today we have sophisticated social services, travel accommodations, advanced education, industry and employment through private enterprise, and an increasingly heavy tax burden prefaced by horrendous national debt. We honour the national flag, as with each provincial standard. Though we are a component of multicultural parts, our philosophical and practical enthusiasm has been demonstrated through two world wars, international business activity, educational and scientific contributions, the sports arena, and diplomatic theatres.

But what is a Canadian? Perhaps a North American Indian, Eskimo, Inuit, English, Scottish, Irish, French, Chinese, Japanese, Dutch, German, Italian, Norse, Russian, Greek, Asian, Turkish, Egyptian, African, Spanish, ad infinitum. Does each one or all of these feel undying loyalty to Canada? Are we proud of our country, its natural resources, its people, its place in the world? Will we be loyal in adversity and sensible in times of prosperity? Do we have compassion for each other across Canada, or are we regionally diverse and divided? What is so special about any one person or people? Since we're all a hank of hair and a bag of bones, do we have trouble maintaining respect and commonality? What is our bond inspiring mutual support? Can philosophy and pragmatism be united?

It is suggested the spirit of Canadianism is related to a sense for right and wrong, good and bad, personal respect and respect for others, a sense of value, of spiritual philosophy, and a recognition for personal responsibility within acceptable legal and moral guidelines in the country of our choice. If it's good enough to teach our children, it must be worth while.

Political systems. In Canada the parliamentary system of government prevails except in Quebec, which clings to the Napoleonic Code. Growth and development in Canada has emphasized shortcomings in our existing political systems. Canada shapes its own needs, which are in contrast with the heavily populated British Isles or Europe. The heavily expanded bureaucracy subjects Canada to top-heavy government, resulting in an unbearable economic burden compounded by unequal constituent and regional representation. Citizen resentment toward politicians and members of the bureaucracy obligates our country to provide equitable and balanced changes.

Political mantle: democracy. While "democratic" is applied to Canada, it is a very misleading title or adjective. Election methods divide and conquer the people. Population distribution results in political representation controlled by central Canada, with a governing caucus of MPs rejecting a dissident vote from party lines. Objectors are outlawed from party caucus. Democracy is sacrificed to totalitarianism or fascism. The socialist state engineered by Canada's three-party system fails to respond to Canadian needs. It rules by implementing political and legal provisos seemingly modeled from other countries. Reform is critically necessary.

Political manifestos and educational institutions must encourage personal responsibility abetted by tax laws that encourage enterprise over state welfare and unemployment insurance. Local minorities must be identified as minorities and not the voice of the silent majority.

We are overly governed and legislated. Politically abusive power has been demonstrated repeatedly, and citizen taxpayers do not accept the current status quo.

Regional historical changes: initial divisions. Beginning in 1667 North America was divided into New Spain, English colonies, New France, and Rupert's Land. The Boston Tea Party gave birth to creation of the United States in 1783, 20 years after Quebec had emerged alongside Indian country and Nova Scotia. In 1774 St. John's Isle separated from Nova Scotia, later becoming P.E.I., and Quebec expanded to include Indian country to the north and Labrador. In 1784 New Brunswick and Cape Breton separated from Nova Scotia. This was followed by establishing Upper and Lower Canada, Rupert's Land, Nova Scotia, New Brunswick, St. John's Isle, Cape Breton, and Newfoundland as part of the Canadian scene. In 1798 St. John's Isle was renamed Prince Edward Island. In 1809 Anticosti and the coast of Labrador were transferred to Newfoundland. Subsequent divisions confirm and demonstrate that Canada's image is not cast in stone.

1:18

Development divisions. In 1840 Upper and Lower Canada merged to form the province of Canada. By 1849 the North-Western Territory, New Caledonia, which is B.C., and Vancouver Island were established, along with the 49th parallel boundary. The Dominion of Canada was created by the British North America Act of 1867, the same time the U.S.A. purchased Alaska from Russia. By 1880 Canada acquired the Arctic islands. By 1912 the present Canada was in place except for Newfoundland-Labrador, which joined Canada in 1949. Current regional status has developed a change in balance attributed to population distribution; economic, technical, and social developments; and the pressure of Canadian, North American, and global economies. For reasons of areal size, population, and economics, Canada's makeup warrants adjustment.

Development of Canada. Internally, despite an inhospitable climate in some areas, Canada's abundance of natural resources prompted major social and economic development. Incentives of land and mineral ownership promoted far-reaching exploration, settlement, and industrial achievement. Western Canada, discounted by written historical description, has made and continues to make huge contributions to Canadian finances and unity. Individual enterprise generated these achievements. Without these significant contributions, Canadian unity is sacrificed to demanding economics compounded by overbearing politics.

Internationally and globally, Canada is a major portion of North America, sharing the world's longest unprotected border. It has much in common with its southern neighbour, the U.S.A., a powerful world influence and guardian of the North American status quo. Western Canada has a close affiliation with the U.S.A. geographically, economically, and socially, without the deterrent of united empire loyalism or cultural demands.

Free trade benefits western Canada significantly in face of penalizing transportation costs and taxes associated with east-west trade. In a global sense western Canada has an impact on grain, livestock, energy, lumber, coal, and other minerals. Alberta's energy sources are economically dwarfed by costs associated with Arctic and east coast offshore exploration, completion and production expense, plus operating expense. East coast offshore energy projects are not currently viable economically. Eastern Canada could use western Canadian oil and gas or import Middle East oil more cheaply than developing Hibernia at taxpayers' expense, perhaps by the GST, but it cannot expect western regional contribution if it fails to purchase energy. Canadian unity requires increased recognition and respect from central Canada for adjunct areas.

Of serious concern is the absolute curtailing of funding to Third World countries that have shown no indication of repayment.

Extraterrestrial. Canada's population and economic thrust can carry only a small share of costs peculiar to space exploration. We can contribute materials and major technical assistance.

Regional differences: geographical impact and population spread. Favourable climate, transportation, and agricultural conditions in a wilderness area brought settlement to the Great Lakes part of Canada, supplemented by refugees from the U.S.A. after the Declaration of Independence. Access and weather conditions hampered the inland flow of people, but exploration for an inland sea route to the Pacific resulted in western settlement. Natural resources in the plains and Rocky Mountain locales prompted effective exploration and development, building of railway lines, and gradual clearing of agricultural land. Continuing mineral exploration expanded our country's western and northern development and positively effected a place in the Canadian economic and political arena in North America and in global acceptance. Federal government assistance and legislation can encourage expansion of a partially frontier area.

Cultural and social adjustments are constant in a strongly multicultural country. The impact of aboriginals and immigrants forges a broader field of tolerance and understanding on all sides, requiring mutual respect and constructive intent. Third World expenditures should be put on the back burner until we have our own house in order.

Economic. In a debt-ridden country business and personal economics are self-defeating without reasonable recognition for tax burdens, social service requirements, inflationary impact of economic policy and management, with special negative effect on creative but retired seniors and a debt-free country for present and future generations. Costs of bureaucracy and politicians have ballooned beyond tolerance, and the general public resents the associated salary scales, pension provisions, superior attitudes, and union approach. These concerns are deeply aggravating to the public, which does not enjoy the same fruits of labour at the public purse. Government tax policy and legislation must establish the principle of personal responsibility to encourage personal initiative. Current tax, welfare, and unemployment insurance provisions dictate a higher basic deduction from salary than retired income, with a serious reduction in the number of government employees and a total exposure of all salaries payable in government job positions, other perks, and retirement provisions. Accountability is the basic requirement. The poverty line speaks for itself.

Political. Economics help to mold regional politics, which vary provincially more than federally. Political representation must be subjected to a very close and critical surveillance from the view of merited balance. Prince Edward Island does not warrant its present political position provincially or federally. The maritimes as a group are carried by the rest of Canada but have senatorial representation outweighing the practicality. Together with provincial and federal bureaucracy, their financial burden is proportionately too heavy. This problem could be resolved by merging the maritimes into one unit.

Federal impact. Overwhelming pragmatics encourage adoption of alternatives if we are to retain unification in contemporary Canada. Perhaps Ontario and Quebec should weigh the advantage of subdividing their more heavily populated region to counterbalance existing inequities of representation. Manitoba and Saskatchewan could be one unit. The far north might have united representation, while Alberta and British

Columbia can presently retain their existing position. Our national, North American, and international recognition and acceptance will suffer from internal separation as opposed to revision and merging. Continuing demands for bilingualism and biculturalism will discourage unification. As for the reported costs of $450 billion, a national debt of $400 billion and counting, economic mismanagement fuels the country's breakdown and sacrifices our role of a catalyst in international relations.

The impact of a socialistic state is bureaucratic growth. The explosion of bureaucratic employment is choking the economic lifeline of our country. Federal and provincial delegates are flying all over the world in the so-called public interest. Our politicians tell us we are adopting tax processes used successfully by other countries and this usage will solve our problem. At the same time, socialistic Europe is breaking up; Sweden is bankrupt; our national debt is extraterrestrial. Deficit financing à la Keynesian theories does not work. We must pay as we go. Pension perks for politicians must be revised to a lower scale and effective date. Why should they get a pension before age 65? If there's a just and equitable reason for payment, prove it, and then we'll cut it down to acceptable levels. Short-term service fails to earn perks in place, which are resented by the general public.

Revise. Public servants have become public masters in their own mind.

Economics. Federal and provincial economics vary significantly. The "have" provinces contribute heavily to the "have-nots," and the federal government acts as draw master in charge of play in delegation of assistance by equalization payments. That which is in place is perpetuated by legal and accounting skills. Tax becomes increasingly heavy. Revision of Canada's power play economic chessboard calls for decentralization to a degree that encourages movement of population in our country. The west is ideal for further settlement, and economics improve an industrious people. Unit cost of production makes Canada noncompetitive in world trade.

National debt and social services. Canada's national debt is not attributed solely to medicare as a social service. The in place tax burden is so heavy that the wage earner looks for ways to beat the system, dual jobs, cash payments, so leisure-time activity can be had and living made easier. Third World giveaways insult the man on the street, who doesn't understand the authority behind such grants. The political and bureaucratic burden of expense add to drainage from the public purse to an alarming degree. Are we returning to a feudal age? Remember the lessons of history.

Tax policy and reform. Exorbitant taxation is contributing to Canada's downfall. Money mismanagement, federally and provincially, filters down, and the factor of public resentment has never been as high and strong. A socialized state encourages lack of individual initiative and produces government financed athletic programs, as an example of wasted money. Canada claims as its own the imported track and field athletes from other countries on the premise that we are obliged to meet standards set by other heavily populated and richer countries. We can't do it financially, and we can't do it with homegrown talent. Nor can we finance football teams. Our hockey players prefer to play for the U.S.A. teams because of tax advantages. Athletic earnings scoff at the milkman, the barber, the grocery clerk, and the dedicated professional.

1:28

Taxation must be reformed to provide a basic incentive for individual effort which will surpass welfare or unemployment insurance. Basic deductions must be raised accordingly. Retired seniors deserve the same recognition and respect.

Inflation and taxation. Inflationary and taxation balloons are soon to burst. Spiraling wages to meet spiraling costs is a never ending concentric circle that takes the income of retired people that helped build the country. The younger generation is victimized, demanding wage scales beyond earning capacity and capable levels of responsibility. Unemployment becomes rampant, and the public purse is further drained. Old age security was paid for and cannot be denied, but increased taxation chokes off business productivity, promotes bankruptcy, and creates instability. GST and the Hibernia project loom grotesquely.

Taxation versus pragmatism: a political financial burden. Our overly governed country is being legislated into individual submission by a top heavy and expensive bureaucracy. The pathetic demonstration of game farms and multimillion-dollar bailouts is an example of the insulting and overbearing legislative power that is contrary to the public interest. Who is accountable? Public service is attractive for guaranteed financial reasons covering salary and perks that are unmatched by the risk and travail of private enterprise, yet private enterprise pays the toll.

In Alberta the provincial Treasury was lined with proceeds from the sale and development of government owned mineral rights undertaken at risk by private industry which gave the public ownership a cash flow and carried interest. Now industry is being heavily taxed by a demanding government that has catapulted into the lap of luxury. That's almost instant pudding.

The people have been served by extraordinary facilities and highways, and Alberta contributes heavily to Canadian financial needs, but it's cheaper to live in the U.S.A. despite costs of medicare. Their rate of taxation encourages personal initiative; taxation has made us slaves to the state. Revision is absolutely needed to foster individual effort, the most critical link in the chain of our country's progress. Responsibility lies first within ourselves.

Public servants or masters? Party clout, control displayed by the federal Progressive Conservatives when rejecting dissident constituent votes, demonstrates the nature and imbalance of our political system and representatives. Public servants vote themselves huge raises without citizen approval. Strikes for wage and retirement benefits are standard for public employees by way of union representation. The public is blackmailed and insulted. If these people are unhappy with their jobs, they're free to look elsewhere, because the paying public is unhappy with them.

Revised approach and reform. The old party lines are outdated and out of step. Revision is critically important. Regionalism is unavoidable and inescapable in a developing, progressive country huge in size and disturbingly disproportionate in population distribution and regional contribution to Canada's public purse. Meech Lake provisions will not balance and consolidate the country. Provincial equality includes concern for areal size, population, productivity, and representation.

The only unique people in Canada are aboriginal natives and their descendants. Their free ride is wearing thin and demands greater personal accountability, as with everyone.

Political alternatives. Change must be made with the changing social and economic environment and world exposure. Alternative political credo must be available.

Individual rights. Growth in responsibility and initiative is desirable and appropriate for all people. It is the essence of family life. Taxation policy and consideration must be molded on this basis. Current complexities of taxation compound the felony of additional government employees, a confusing presentation to the taxpayer, and a perpetuation of legal and accounting assistance which should not be so critically necessary. Individual and corporate provisions should be parallel and equal. If it's a crime to make money, let's fire the overpaid bureaucrats and politicians.

Seniors' rights. Seniors with relatively stagnant incomes are adversely affected by inflation and higher taxation. Those that built the country are being bitten by those they fed. Higher basic deductions allowances and exemptions are needed to offset higher costs of living and difficulty in maintaining independence. Seniors paid and earned their way.

Responsibilities and expectations for children. Care, understanding, food, clothing, shelter, and education are family obligations to children. Training to assume personal responsibility is of primary importance. No one wants their offspring to be a load on society. Our country must concentrate more on educating our own youth than granting benevolent programs of education and training for youth or otherwise from other countries. Look after our own first and foremost; then consider assistance to outsiders. They too have that obligation and responsibility.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Hall.

Are there questions or comments?

You've given us a very comprehensive overview of your concerns, and you've made some concrete suggestions relative to the realignment of the regions of the country into different political units than are now in existence. Many of the things you have touched upon are really matters of government policy rather than constitutional change as such, but we appreciate your thoughts in that respect.

Yes, Stock Day.

MR. DAY: Thanks, Mr. Chairman. Mr. Hall, I appreciate all the work you've gone into. You've touched a lot of bases and covered a lot of ground for sure. On the point the Chairman has raised, you talked about realignment of regions and suggested the maritime provinces, for instance, becoming one. Could you just quickly tell us how you accomplish that type of a goal if in fact those particular areas don't want that to happen? In terms of the realignment of our Constitution, how is that approached?

MR. HALL: Well, firstly, I don't think I have absolute answers. I can take a good stab at it just as anyone else can. The biggest revolution in the world was created by Jesus Christ. He can walk on water, and I can't.

All I can say to you is that the people down there are not happy with their lot. The people out here are dismayed that Prince Edward Island enjoys senatorial representation as it does plus federal and provincial legislation with a population that's half the size of the city of Winnipeg, if that. Prince Edward Island was originally a part of Nova Scotia, which embraced a larger area, including New Brunswick. It makes sense that competitively within Canada they should be united to cut down their operating overhead and to present a stronger front to the rest of Canada. The difficulty with the maritimes, at least in a personal opinion, is that they'd be better off as part of the United States. Now, they may not want to do that, but economics have become so forcibly strong that alternatives dwindle, and we have to face up to these facts.

Alberta is a major contributor to Canadian economic balance and has been for an extended period of time. The rest of Canada, I'm sure, appreciates the fact that Alberta and B.C. contribute what they do, yet the central Canadian situation is a drain. Quebec takes $6 billion a year, the figure I've had quoted to me. I'm not an expert in that; I'm going on someone else's quotes. Ontario now is in a deficit budget. What can be said for the maritimes?

MR. DAY: Thanks. I appreciated your thought. I was just wondering how you approached that.

1:38

MR. CHAIRMAN: Well, thank you very much, Mr. Hall. That's all being recorded in *Hansard*. Even though you didn't have a fully written presentation, we will see the written presentation through *Hansard*. Thank you.

Yes, Eileen Walker.

MRS. WALKER: I'm Eileen Walker of Strathmore, and I represent the Family Unit Committee and wish to bring the following proposal before this meeting.

Overall goal. At present there are no policies, programs, and services that support a family unit other than the family allowance. I want our provincial or federal government to initiate and put into force a new program called the family unit program – "family unit" is to be defined as husband, wife, child, or children – wherein our provincial/federal government will pay one parent to stay home to raise their children.

Objectives for this program. One, our government has never given out reward programs for moral values, only amoral values. I compare most of our present policies, programs, and services to reprimanding a child when they have done something wrong by rewarding them by saying, "That was a bad thing you did, but here's $20; go spend it at the arcade," instead of sending the child to his room and missing a meal so he will learn that doing wrong is going to receive punishment instead of reward. In other words, our present government policies reward those who lead amoral lives. I have lived in a family unit for a number of years, and the only reward I get is a family allowance cheque. I believe people on welfare, divorced, separated, single parents receive this along with all the other subsidized programs the government has for them.

It's time our government started rewarding moral life-styles. After government support of amoral values over the last three or four decades, the results are becoming devastating financially, socially – divorce rates are escalating – and morally: AIDS for one example; government support of $16,500 to the Canadian Mental Health Association for the 1991 feminist fiasco at Banff, Alberta.

Number two, this program will pay for itself. One ex-working parent will leave an opening outside the home workplace for a young adult just joining the work force or someone on unemployment insurance or welfare.

Three, lots of current subsidized programs could be eliminated; e.g., subsidized day care.

Four, the most important point of all is that our children will greatly benefit from this program as nothing can replace a moral, loving, caring mother or father who is always there for their children. In Alberta in the year 1990 one-quarter of all crimes, including murder, rape, assault, et cetera, were committed by youths under the age of 18. Could programs such as JIMY be responsible for some of this?

Qualifications to belong to the program. One, must be a family unit, join program on birth of first child or adoption of first child. Two, parents staying at home cannot hold a full-time, part-time, or any kind of job outside the home, must specify which parent is staying home. The program ceases when the youngest child attains 18 or 25 years of age if child is enrolled in an accredited learning institution. Four, a family unit cannot be on welfare and qualify for this program as well; they must choose which they prefer. Number five, maximum support for four children. Payments to be made on a monthly basis. Amount: for use as a base figure, add up all the handouts given to welfare recipients, divorced people, single parents, subsidized day care, and any other government subsidized programs. Let's use this as a fictitious example. The government pays out, based on two parents and one small child up to 11 years of age, $510 for shelter, $600 standard allowance, $240 subsidized day care, $50 government allowance to day care. Total: $1,400. The money received to be income tax free, and the family unit is to remain classified as one income to give people an incentive to get off our present welfare programs and to be proud of belonging to a family unit.

The second presentation the Family Unit Committee wishes to bring before this meeting is that the current human sexuality, or sex ed, programs now in place in our schools be replaced by a healthy sex ed program based on the following criteria. I'll only give two at this time. I believe you've got copies of this. Number one, adopt curricula that stress traditional family values as the ideal, and adopt curricula that teach sexual abstinence before marriage and fidelity in marriage as the only acceptable life-style in terms of public health, as this is the best and only sure way crisis pregnancy and sexually transmitted diseases can be prevented.

I want to ask each and every one of us here the following question: using a condom, would you willingly have sexual intercourse with someone you know has AIDS? If your answer is no, like mine, how can we let someone teach our children that safe sex, premarital sex, homosexuality, multiple sexual relations are fine when we wouldn't do it ourselves? They say they can't teach morals, but they teach our children amorals. Every law in this country is based on a set of morals.

These proposals may not seem appropriate to bring before a constitutional meeting, but I firmly believe that the future of any society or country lies in what is being produced in the home. If we are not willing to save the family unit, we will not save Canada from internal decay. We must abandon the Canadian Charter of Rights and Freedoms Act and the Young Offenders Act and replace them with the laws and moral values found in the book which is used in the judicial system, which everyone swears upon in court, and which is given to every immigrant upon receiving their Canadian citizenship. Use the Holy Bible as your guide in building a new and united Canada.

Thank you.

MR. CHAIRMAN: Thank you, Mrs. Walker. In your presentation you do point out that constitutionalizing these issues would be very difficult to do and that these are very clearly policy issues that governments have to face.

Are there questions or comments that any one would like to propose? Yes, Stock.

MR. DAY: Mrs. Walker, these are fairly unique proposals and would require funding. The answer might be obvious, but I'd like to hear your view. The federal government in its transfer funding on social programs does require some compliance with their stated values or goals of those social programs. From a constitutional aspect do you support that present approach? Do you think it would be right or proper for a province to be able to get federal funds yet still be able to operate, let's just call this, a very unique program like this even if it's not compatible with a federal goal?

MRS. WALKER: Yes, I do. I believe it's the provinces that set the standards of what social policies they have. The federal government, I believe, supports them 50 percent, so in actuality the provinces set these social policies. Is that not correct?

MR. CHAIRMAN: That's correct.

MRS. WALKER: Yes, it is.

MR. DAY: Yeah, it's correct.

MRS. WALKER: In other words, this province can institute these policies. They do not need the federal government to tell them to.

MR. CHAIRMAN: Yes, John McInnis.

MR. McINNIS: One question. I'm intrigued by the idea of providing an income to a stay-at-home spouse. I think, as you point out, that would do a number of things. One is it would probably make for more attractive wages in the work force. If there were fewer people seeking jobs, I daresay that employers might have to make conditions more attractive in some instances. It does seem to me, from my personal knowledge, that where spouses are forced to work to bring in more family income, often it's poor-paying jobs, part-time jobs, that type of thing.

How would you structure eligibility, though? For example, in our society, whether we like it or not, there are a lot of single-parent families. Are you saying that they would not be eligible in this program?

MRS. WALKER: No. I'm saying this program plus what you have intact now.

As for the problem of paying for it, you'll be surprised how much your court system will be alleviated by all your juvenile delinquency that's going on and the billions of dollars it costs by the damage that is being done. Plus with one parent staying home, then those children will have a job out in that workplace.

MR. McINNIS: So a single parent would be eligible as a stay-at-home spouse?

MRS. WALKER: That's up to the provincial government. This is a new policy. This is not to replace or to get rid of any of the assistance you have for other people, but I think this would be an incentive for some of these people to get off the program they are on.

MR. CHAIRMAN: Well, thank you very much for coming forward and bringing us your views today.

I understand that the next presenter, Mr. Dandurand, is not yet in attendance. I have to make an urgent phone call, so perhaps we could briefly adjourn.

Thank you.

[The committee adjourned from 1:48 p.m. to 2:06 p.m.]

MR. CHAIRMAN: Yes, Mr. Dandurand, would you like to come forward, please. Have a seat here.

MR. DANDURAND: Right here?

MR. CHAIRMAN: Yes.

MR. DANDURAND: Thank you.

MR. CHAIRMAN: I'd like to reconvene. Would you like to proceed?

MR. DANDURAND: Thank you very much, Mr. Chairman.

Mr. Chairman, members of the committee, ladies and gentlemen, before I express my views, and also because it is known to some people here that I am a provincial candidate with the Alberta Liberal Party, I'd like to make it absolutely clear that I'm not speaking on behalf of the Alberta Liberal Party and the views I'm about to express are strictly my own.

My perspective of our constitutional deadlock is the perspective of a truly patriotic Canadian who was born thousands of miles from here and was lucky to have had parents who insisted that both their children master English as quickly and as best as possible so they could take full advantage of all the benefits this great country has to offer. I really hope today's parents would still recognize this need for multilingualism, a need for mobility now more than ever. My sister's background and my own are not any different or more special than that of most other young Canadians raised in the '50s and the '60s. What has made a significant difference in our lives is being able to speak Canada's and the world's most widely used language.

The self-serving political philosophy of decentralization promoted by some of our country's politicians will result, if adopted, in the creation of cultural ghettos riddled with ignorance and vulnerable to expensive patronage and corruption. If you wish to be convinced of this statement, I suggest that you read of the Duplessis years in Quebec. For over 30 years Maurice Duplessis and his government cronies successfully and sometimes violently promoted the status quo which resulted in millions of people finding themselves a century behind the rest of part of this continent. The coming out of this shameful era in provincial Canadian politics was tumultuous and painful. Quebec will forever bear the scars of Duplessis' rule and its ensuing so-called quiet revolution. To repeat this very sad chapter in Canadian politics would be a crime against the very same children we love so dearly and for which all of us so readily sacrifice anything.

A patronizing and isolating government breeds secrecy and unaccountability. It breeds elected officials who often have too much to lose politically to represent the will of their constituency. The same strategy used to manipulate an entire population like Maurice Duplessis did with Quebec is promoted through the use of party-line dictatorship.

There are huge fundamental differences between leadership and ruling. It's this very desperate need to rule, not to lead, that presently allows certain governments to refuse as legal rights some basic human rights enshrined in other parts of our country. There's no doubt that we're in need of constitutional reforms, but if we are to be sincere about our motives, we must implement reforms that guarantee every Canadian openness and political accountability at every level of government, reforms that guarantee the free expression and promotion of one's own culture but not at a cost to the social, economic, or cultural heritage of the majority of Canadians. But for any reform to be successful – and this is a plea – we must once and for all give birth to a true Canadian ideal. We must quit sitting on the fence of compromise. *Canadians as people and as a country* must take responsibility and stop abdicating their future and the future of their children to a self-serving, blame-the-other-guy, unaccountable group of selected peers. More importantly, we cannot allow any politician to fragment this country for the selfish and cynical purpose of control.

I wish I could ask all of you to take a seat inside my head and read my mind like a giant screen. This would convince you of the sincerity of my next comments. Our mouths can be used to lie to other people, but we can never lie to ourselves.

Let me state that until recently we never had a Quebec problem in Canada. Canadians like my grandfather, my father, my entire family, and most of my Quebec acquaintances are among the strongest Canadian federalist patriots I know. My sister and I are from some of the oldest Canadians. Although some roots can be traced back to early voyageurs, they're not exclusively French. I discovered an influence of Irish, Greek, and Jewish. My Canadian-born wife is of Norwegian descent. I believe this ethnic quilt makes me a real Canadian, an authentic Canadian. Both my father and his father were volunteers in their respective wars. I'm a reserve veteran myself of the Royal Canadian 22nd Regiment. Trust me; we're not special, we're not distinct. We're only part of the silent majority in this country.

But when it comes to Quebec there are basic facts and covenants which must be recognized and respected. Around 1768 – and, please, I use the word "around," because I'm sure there are historians here and I'm just an amateur when it comes to history – following a victorious but very long military campaign, the British had taken control of this new territory and to secure this control had deported most Acadians, virtually guaranteeing safety in numbers. However, the unpredicted threat from Americans now posed a serious problem. In order to protect their hard-won colony, British forces needed to enlist the support of the French settlers who, in turn, could rally natives. To do this an agreement was signed giving the settlers who were virtually abandoned by France the right to their own culture, religion, language, and laws. As you well know, it's the Civil Code. It's not just a thing over there; it's the law. Furthermore, it promised the country-starved settlers a new homeland of their very own where English and French would live in harmony and self-govern in a true, independent, and democratic way. In some opinions this never truly materialized. Nevertheless, in their desperate need for a homeland, French settlers quickly adopted this new Canada. For centuries French-Canadians from all walks of life referred to each other as Canadiens and to British colonials or immigrants as les Anglais.

I just want to introduce a very quick little anecdote of my own grandmother. She refused to move to western Canada at the time and starved in Montreal during the Depression simply because she was of the very strong belief that if you spoke French – which she did – you were Catholic and a very good person. If you spoke English – which she recognized but couldn't communicate – you were automatically a Protestant and not so good. If you were anything else she couldn't figure out, you were a Communist. So there was no way she was going to immigrate to a part of the country that was filled with Protestants and Communists. That shows a little bit that the Canadiens, or Quebeckers as they're called today, considered themselves Canadians way back.

Forgive the simplicity of the following evidence. It's really simple, but it's the best I could come up with. When it came to naming their beloved hockey team – if any of you have spent time in Quebec or in Montreal, you know how important the *Montreal hockey team is – they chose les Canadiens de* Montréal, the Montreal Canadiens. That's the name. When Molson Breweries needed a name that would sell in Quebec, they spent untold amounts of dollars to find the best possible name to sell beer where it's consumed at the highest rate per capita. They came up with "Molson Canadien," Molson Canadian.

Many years ago I had the opportunity to spend a few minutes with René Lévesque. I asked Mr. Lévesque why a patriot such as himself – and at one time in his life he was a very strong Canadian patriot – had become separatist. He said very calmly: Michel, they – meaning the English – never wanted their own country; we'll start ours.

How can we say we're neutral when we just sent men to a conflict where the underlying goal was to protect American interests? How can we say we're independent and sovereign when we use monarchs of a foreign country as our official symbols? How can we sell Canada to all Canadians, particularly some of the oldest ones, when Canada is not yet clearly defined? I challenge the politicians of this country at every level to quit using this constitutional deadlock as some political football and find the courage to finally create a true, independent country.

2:16

Why is it so hard for Canadians to be patriots? Or is it something only felt and defended by men and women in uniform? I believe very strongly in individual freedoms; there's no doubt about that. But I also support this old logical statement: when in Rome, do like the Romans. It's difficult to ask someone to act like a Canadian when there doesn't seem to be a distinct Canadian way. How come it takes veterans to protect the sanctuary for all soldiers? All soldiers. Why did we sit still and witness the cheap treatment of a uniform which reflects more than anything else a truly Canadian heritage particularly special to the west? Let's have a country that promotes multilingualism and multiculturalism but does not force or restrict it, a country which is one of the few that can still save its environment, a country whose independence can be recognized seriously and with a high degree of credibility, a country made of people and for people where exists the courage to look forward and regard the past not only with pride but for what it is, simply the past.

In conclusion, if there's one constitutional reform that should be the basis of all others, in my opinion it's the creation and superpromotion of a Canadian ideal. Let's give Quebec the opportunity to join a Canada they've been calling home for nearly three centuries, not an association of provinces who tolerate each other: a strong and very distinct society, all right; a Canadian society. Then we can bring forth reforms that will eliminate regional frustrations while securing that Canadians all across the land will not be subject to destructive or perhaps unacceptable disparities. It was Sir Arthur Eddington who once said – I like this one – verily, it is easier for a camel to pass through the eye of a needle than for a scientific man to pass through a door; it might be wiser that he should consent to be an ordinary man and walk in rather than wait till all the difficulties involved are resolved.

Let's stop trying to appear as experts in constitutional matters, and let's all work at becoming true, distinct Canadians. Once we are one nation with a common denominator, I think the solutions will come by themselves.

Thank you.

MR. CHAIRMAN: Thank you.

Questions or comments? I have one. I just wasn't sure whether or not I caught you correctly on this, whether it was something Mr. Lévesque had said to you or whether it was a position you were adopting yourself relative to the issue of the monarchy. Are you suggesting that the monarchy be done away with? You made reference to a foreign monarch as the head of state.

MR. DANDURAND: That's right. Now, I don't suggest that they do away with their system of government. That's entirely their decision. What I suggested is that we . . .

MR. CHAIRMAN: I mean as Canadians.

MR. DANDURAND: As Canadians we have enough symbols here. We have enough terrific people of our own. We have Nobel Peace Prize winners we can use as symbols. We don't have to go to a foreign country for our own symbols.

MR. CHAIRMAN: So in other words, you would abandon or change the monarchy from our current monarch.

MR. DANDURAND: I didn't know we had a monarch in Canada.

MR. CHAIRMAN: You didn't know that Canada is a constitutional monarchy, that the Queen is the head of state?

MR. DANDURAND: I understood that, but I thought we had repatriated our Constitution and had done away with a lot of that except as symbols. Now, that's what most Canadians understand also.

MR. CHAIRMAN: Okay. I understand your position now; I just wanted to be clear on that.

Other questions or comments?

Well, thank you very much.

MR. DANDURAND: Thank you, Mr. Chairman.

MR. CHAIRMAN: Is Gregg Schell here yet? If not, then Dick Nichols is here, I understand.

Good afternoon.

MR. NICHOLS: Good afternoon, Mr. Chairman. Thank you. My name is Dick Nichols. I live at 407 Oakside Circle SW in Calgary. I want to thank the committee for giving me the opportunity today to present my views concerning the constitutional changes required to enhance the quality of life in Canada.

What Canadians shall someday become will rise inexorably out of what we are today. In turn, what we are has come from what those before us were, what they planned, dreamed, and hoped for, the trials they faced, their successes and their failures. Decisions concerning our Constitution must not, therefore, be made simply for our own time alone. To properly revise our Constitution, we must understand the past, acknowledge the present, then responsibly fashion and articulate a vision for the future.

In 1867 representatives of two founding cultures undertook the series of political and legal actions which resulted in the creation of the Dominion of Canada. By today's standards these men would be considered ignorant and unsophisticated, but they were idealistic men living during an idealistic age in a land big enough and endowed with sufficient natural resources to make them believe that idealistic dreams could come true. They had faith in parliamentary democracy and believed its establishment in Canada would be a good thing. The land still exists, the potential remains, but I think the faith has grown a little thin in more recent years. We have perhaps become too sophisticated for our own good and forgotten that there is a difference between intelligence and wisdom. Too often we look for legal guarantees, which never last, where we should seek goodwill and trust, which do. The society of the two cultures was born amidst, and has since endured, much rancorous debate and occasional political deadlock, but all in all, it has spawned remarkably successful economic and social values. Canada is a good country. Canadians are heirs to a tradition that, although there have been lots of mistakes, has seen most decisions made for the common benefit by good, well-meaning leaders.

After the Battle of the Plains of Abraham the approximately 200,000 French colonists in Canada lost contact with their mother country. The British, in an amazingly generous act for its time, guaranteed French-Canadian linguistic and legal rights in Quebec. Confederation later confirmed French Canada as an entity in a primarily English-speaking continent. In the two centuries after 1759 the population of Quebec increased to about five million, and only 25,000 or so of that was attributed to immigration from France. Think of what that means. The Quebecois have not only survived for 200 years, but in their own house their culture has prevailed. The success of French Canada is a significant triumph. If to state that Quebec is a distinct society is to acknowledge a unique people who possess their own history, traditions, and ways of doing things, I see nothing wrong with saying so in the preamble to our Constitution. After all, the Anglophone majority encouraged, sometimes by design and often by neglect, the political and cultural environment that allowed them to flourish, and in that sense their success is partly our accomplishment as well.

Acknowledging a group to be historically or culturally distinct is not to imply that distinct characteristics confer special rights or privileges to those in that group. Today our nation is a mosaic. We are a country of English, Scottish, Irish, German, Ukrainian, Sikh, Chinese, West Indian, Vietnamese, and Pakistani Canadians among others. While many countries actively discourage people from becoming citizens, Canada welcomes them. What's more, people from all over the world are fairly beating down the door to get in. As a fifth-generation Canadian, I'm proud that my country is so highly regarded. In Calgary about 38 percent of children entering the school systems speak English as a second language. In Toronto and Vancouver that number rises in some parts of the cities to more than 50 percent. What's more, the first language is not often French. To me that means that suggestions that our country can somehow turn back the clock are mere pipe dreams. Our childhood is over. Any realistic projection of our future must include great numbers of distinct societies. Increasingly confident and influential groups of native Canadians, along with people from other countries who have decided to cast their lot with us, will eventually all expect to claim their place in the cultural and political mainstream; many already do.

2:26

Any country, but particularly a federation, must become greater than the sum of its parts or it will become simply a group of independent units held together by economic or structural convenience. Canadians have for some time struggled to find a common vision and sense of purpose to achieve this. We must not allow ourselves to be discouraged and defeated by that struggle. We must succeed in developing a new national dream, new national standards of integrity and quality, and a new national purpose.

The elements to create these essential characteristics of nationhood are not lacking in Canada. They come, as they have always come, from the land. The challenge that has faced our nation from the beginning is to use and preserve our enormous portion of the globe for the benefit of future generations throughout the world. This is a challenge of great consequence not only for us but also for humanity. It is a challenge worthy of a great nation. It is a challenge that has in the past and can in the future occupy the imagination and labour of generations. Confronting it will create untold wealth and other benefits for Canadians and for the world.

Today I sense that many of our leaders have forgotten the need for a vision, and our people, preoccupied by less ambitious thoughts, do not consider common purpose as important as they used to. Canadians must learn again to appreciate and share the excitement of building a nation and understand the role each of them can play in this great task. We must regain confidence in ourselves.

Our national government has always assumed a significant role in nurturing the preservation of French Canada, but now, by its own admission, Quebec can stand on its own. I believe, therefore, it is time to admit that it may not always be realistic to provide all services in both languages everywhere, and I believe we'd be better off if we stopped.

While French Canada is a strong, confident society, in recent years its birthrate has been drastically reduced. Many of those who espouse the separatist cause I believe do so because they fear that as the percentage of Francophones decreases relative to the national population, the time may come when French Canada may not be able to muster the political power required to preserve itself in a country where the majority always carries the day. I believe that's the key to the puzzle. Quebeckers have little else of consequence to gain by taking the legal step of declaring their independence. It won't make them richer; it won't provide them with more security. However, it would free them to make those decisions necessary to perpetuate their race. I believe constitutional changes providing for greater authority at the municipal and provincial levels would provide the opportunity for Quebeckers, through locally elected representatives, to make those decisions. If this results in certain areas of the country becoming less desirable to Anglophones, so be it. Similarly, if local decisions in Anglophone Canada result in other areas becoming less desirable to Francophones, so be it.

I believe it is unrealistic for Canadians to perpetually maintain either legally or fiscally any ethnic society or special interest group. Canadian taxpayers must accept responsibility to mitigate the impact of past errors relative to our treatment of native Canadians, and we should assume responsibility for providing an orientation to our culture for new immigrants.

However, that's where the financial obligation should end. If Polish Canadians or Chinese Canadians or Pakistani Canadians or Quebecois wish to preserve their ethnic identities or special interest groups want to organize to promote their causes, that should be their right as individuals, but the resources they use should be their own.

Since the end of the Second World War our nation has mortgaged its future to train, feed, house, and employ the strongest, best educated, healthiest generation in the history of the world. That generation should by now be focusing its attention on repaying that debt. We need to recognize that our primary responsibility is to preserve this country and, as our parents did, pass it on to the next generation better than it is now. If nothing else, we must pass it along intact.

However, outside Quebec the intelligence and resources of our generation have not been adequately directed towards those aspects of our history, present and future that unite us rather than those that divide us. I believe Anglophone Canadians now understand their moral obligation and through this constitutional process want to play their part in rejuvenating our country. That is why I believe the appropriate format to develop a new Constitution is a national constituent assembly, elected exclusively to create a constitutional instrument and amending process based not only on legal and political considerations but also on goodwill and trust among individual Canadians.

I believe that the new Constitution should recognize the primacy of the nation, that the provinces should be constitutionally subordinate to the federal government. The role of the federal government should primarily be to reflect the national vision and allocate resources in such a way as to move the country toward it. Beyond traditional responsibilities – for example, currency and national defence – the federal government would define and use its resources to co-ordinate the implementation of minimal national standards in such areas as education, health, social services, commerce, safety, and communications technology. The federal government should be responsible for civil rights and have the power to ensure that individuals enjoy freedom of opportunity in all parts of the country. Any individual willing to work hard enough and take the risks necessary to succeed should have that right. Individuals must, of course, adapt to local rules of language and comportment, but the playing field must be open to all who want to participate. This is the price I would expect Quebec to pay for the freedom to make local conditions. Quebecois historically do not readily admit outsiders to their society, and that will have to change.

The federal government must also have the power to protect individuals against unfair domination by either the majority or the minority. In a country as large as ours policies are often good for people in one part of the country and bad for those in another. Protection of the rights of people in both the more populous and less populous regions can best be achieved through houses representing both interests. I therefore favour the establishment of a full triple E Senate, not because it removes the right of representation for the larger provinces but rather because it gives meaningful representation to the smaller provinces.

While the federal government should be the forum for national policy, I believe decisions affecting the quality of day-to-day life for individual Canadians should be made as close to home as possible. I favour greater powers for the provinces in determining how to achieve nationally mandated standards and to exceed them where local conditions allow. I also favour full provincial control of cultural policy and an independent role for municipalities within the constitutional framework.

Of course many other issues must be resolved within a constituent assembly. My purpose here is not to discuss all of them but rather to try to impress upon you my belief that the right attitude can not only make this process succeed but in doing so can be an example to other nations of how people in a democracy conduct their affairs.

The inscription on the memorial to General James Wolfe and the Marquis de Montcalm reads: Valour gave them a common death, history a common fame, and posterity a common monument. We are now forging the common monument by which posterity will recall this generation of Canadians. With vision and courage let us make it one that justifies the faith of those who brought us this far, and let it serve as a beacon for generations yet to come.

Thank you very much.

MR. CHAIRMAN: Thank you very much, Mr. Nichols.

Pam Barrett indicated she wants to ask a question.

MS BARRETT: I had preread your presentation, and while you were reading it, the same question came back to me that arose the first time I read it, and that is this. I think when you said that you've got no problem with the concept of distinct being embodied in the preamble to the Constitution with respect to Quebec, you then suggested that that need not carry any special rights with it. Then you went on to say that you would like to see a sort of devolution of powers to more localized governments. I think you probably understand full well that the current position of the major parties in Quebec is that the designation would carry with it some additional rights. You didn't actually say how you want to handle that. Are you suggesting, for example, as with Meech, where Quebec may get entrenched in the Constitution a right that it currently has with respect to immigration, all other provinces would get the same? Is that what you were really getting at?

2:36

MR. NICHOLS: That is exactly what I'm really getting at.

MS BARRETT: Do you think that would be acceptable to Quebec?

MR. NICHOLS: I think the issue is larger than just any one particular subissue. I think the issue really is: is membership in Canada even under changed circumstances better for Quebec than independence? I think it is, because as members of Canadian society they are members of a larger unit that has existed in the past and can exist in the future to nurture them in the sense that they can continue their own growth. I don't think they could get that if they declared independence.

Specifically, what would happen if Quebec declared independence and the rest of Canada – and, please, I hope this doesn't happen – decided to . . . You know, things didn't go well and the rest of Canada and Quebec could not make it on their own. The rest of Canada has a very viable option which, like it or not, is there, and that is to join the United States. What would Quebec have? They would have nothing. They couldn't negotiate terms with the United States on anywhere near the types of terms they could negotiate with Canada. I believe it's in their interests to stay within Confederation, but I really think their problem is that they're worried about what happens when English and other ethnic Canada is 15 million people and they're only seven.

MS BARRETT: No question that that is the essential worry.

MR. NICHOLS: I think what we have to do is accept the point that anything they get is something everybody else has to get. In doing that, in resolving these types of things, in my opinion you have to go away from the concept of collective rights and go toward the concept of individual rights. Within their scope as individuals lies the capability of organizing themselves to do anything their resources or their intelligence can take them to do. As long as the rest of us don't have to pay for it, it can be part of our society.

MS BARRETT: Thank you.

MR. CHAIRMAN: Sheldon and Stock.

MR. CHUMIR: I see, not without pleasure, that you favour the federal government having a role in defining and implementing minimum national standards in health, social services, and a few other areas. I note you include education. This is not an area in which there is current involvement of any significance in establishing national standards, although we do have significant funding for advanced education. Do you have any thoughts with respect to what minimum standards, what areas, what role the federal government might reasonably play in that area, or is it a more global thought?

MR. NICHOLS: I included education because I thought that was one of the pillars of a strong society, and I would like to see assurances that a student entering elementary school in Nova Scotia is going to come out of secondary school with roughly the equivalent education of the same person in British Columbia. I have a particularly selfish reason for doing that. I think it would be good for our country if people moved around a little more. If people could be assured that they were going to get at least on a minimum standard the same quality of instruction throughout the country, this would be appropriate. Nevertheless, I think that within individual jurisdictions it should be possible for people to augment what would essentially be minimum standards.

MR. CHAIRMAN: Stock.

MR. DAY: Thanks, Mr. Chairman.

A couple of areas, Mr. Nichols. You say that the new Constitution should recognize primacy of the nation, that the province should be constitutionally subordinate to the federal government. What exactly are you saying? Status quo? More shift to federal government?

MR. NICHOLS: Redefinition – perhaps redefinition of powers – and definitely inclusion of municipalities. In 1867 the tallest building in the world was a church in Hamburg, West Germany, which is 400 feet tall. Cities have grown up since then. I think we have to recognize that in our Constitution while we have the opportunity to do so.

In looking at our country and developing a mind-set of what our country is, I think we have to envisage it initially as a whole. I guess that's what I mean by this. First of all, we are a country, the country of Canada; subsequently, we have chosen to divide ourselves into provinces and even further into municipalities. Status quo only in the sense that that may be the way we divide ourselves. There is a lot of open ground left in that statement. For example, do the current provincial boundaries have to be maintained the way they are now? Is there anything magic in the fact that we have 10 provinces? Could we have 14? I don't know. I think that as a principle the country should be first and the constituent parts second.

MR. DAY: I appreciate your difficulty, then, in not being able to say categorically either status quo or more power, because you're talking about redefining.

You talk about the federal government should reflect. The role should be to reflect the national vision and allocate resources in such a way as to move the country toward it. The tearing factor, the disintegrating factor in the situation now is that western Canada and to a degree eastern Canada feel that because of the accumulation of MPs in central Canada and their defining the role the way they see it, our definition isn't sufficiently included. This would seem to – correct me if I'm wrong – direct us to the same problem. If it's the national government defining the vision, allocating resources to move us toward it, then I see the central accumulation of MPs being the main factor in that definition and the west still feeling like: what about our definition?

MR. NICHOLS: The upper House, which would be a triple E Senate comprised of equal, elected, and effective representatives, would be the balancing factor which would allow representation for the smaller provinces. I do not favour the "equal" in the triple E Senate representing regions. If our country is made up of regions rather than provinces, then let us use this occasion to redefine our provincial boundaries to reflect regional boundaries. But if our country is made up of provinces as it is now, then it is appropriate in my opinion, because of the size of the country and because of the diverse nature, to have two Houses, each of which reflects a different reality. The House of Commons remaining as it is now, and I agree with you that it has an overabundance of Members of Parliament from the central portion, would be balanced by the powers of the Senate, which would have equal representation and therefore more – I hate to use the word "equitably" – positively reflect the aspirations of minorities within the country.

MR. DAY: So included in the effective powers of the Senate, then, you would give them that ability to – I don't want to say "cancel" – dilute that national vision set by the . . .

MR. NICHOLS: I would say the national vision would be the result of deliberation and debate of both Houses. It is not a continuous process that it goes from one to the other; there would be a development of national visions from both and then cross-fertilization between the two of them. I recognize that in many ways this is using the American republican model. I'm not sure, given the diversity we have, that that's a bad thing in this instance. We can adapt it to Canadian standards. We've adapted models from other countries before.

MR. CHAIRMAN: Gary.

MR. SEVERTSON: Yes. Mr. Nichols, we've heard a number of presentations about a constituent assembly, and it's in your brief too. I always have trouble defining what a constituent assembly is, because everybody has wide opinions on that. In your idea of a constituent assembly, would you foresee it being elected equally from all provinces or the same as the House of Commons, rep by population? What's your perception on that?

2:46

MR. NICHOLS: When I thought of it, and the reason I didn't add this – but I'll tell you. I thought of having the constituent assembly made up of representatives from each of the provincial constituencies and the territorial constituencies across the country, with one proviso, that no one could run on a party ticket, that people would be elected as individuals. That would provide on the one hand representation by population, because of course the Ontario and Quebec Legislatures are larger than any of the other Legislatures, but I think Canadians by and large have a fairness of spirit that would be reflected in the way individuals elected without party affiliations specifically to do this job would approach it. It's a question of faith in the system again. I can't justify it on any legal or mathematical grounds, but I think it would work.

MR. SEVERTSON: So you think it would do a lot better than the House of Commons. It would just be a duplicate of the House of Commons then, the numbers and . . .

MR. NICHOLS: I'd like to see it bigger than just the 285 or so members of the House of Commons. I would like to see it as a very large cross section. When you're talking about 58 members from New Brunswick, 83 and some odd from Alberta, and so on from Ontario and Quebec and British Columbia, by increasing the sample, as it were, you would get a better cross section of opinions. By eliminating the factor of party affiliation, you result in those elected concentrating on this task to the exclusion of everything else. Once again, sir, I can't tell you why I think it would work. I just believe it would.

MR. SEVERTSON: Thank you.

MR. CHAIRMAN: Thank you very much, Dick, for your presentation. I just want to tell you . . . I don't want to make it sound unfair to either you or another presenter, but when you say, "I also favour full provincial control of cultural policy," that would run into direct collision with the last presenter we had this morning, who was very concerned that the federal government maintain control of cultural policy. I just point that out to tell you how difficult a task becomes when we hear well-reasoned and well-thought-out presentations from very thoughtful Albertans.

Thank you very much for coming forward.

MR. NICHOLS: Thank you, sir.

MR. CHAIRMAN: Brendan Dunphy is here. Is Mr. Andrew Pask not here yet?

All right, Brendan. Welcome.

MR. DUNPHY: Thank you. Mr. Chairman, for the sake of preciseness, I'm going to read my brief into the record and then welcome your questions that follow. At the outset I want to say to the Select Special Committee on Constitutional Reform that I certainly appreciate the opportunity to make this submission this afternoon.

I also want to say that less than two weeks ago I almost made the decision to opt out of this opportunity, and that was for two reasons. First was my perception that the time lines outlined by the two other key players in this drama, particularly the federal government and Quebec itself, are so far advanced as to make Alberta's intervention an after-the-fact scenario. Unless the process is fast-tracked from this point onward and a fall sitting of the Legislature convened, I believe the province and its citizens will be caught in the awkward position of reacting to someone else's proposals. In other words, we will be playing catch-up. Secondly, I was also depressed by my belief that right-wing extremists, zealous nationalists, and constitutional academics or intellectuals, which usually represent opposite ends of the population spectrum, have dominated too much of the constitutional debate and media attention to date.

Much of the common sense inherent in the majority of the Canadian population is missing from the current constitutional discussions. Therefore, I'm appearing before you today as a representative of a silent majority of Albertans and Canadians, a group of people who rarely write letters to the *Calgary Sun*, the *Alberta Report*, or even the *Calgary Herald*, a group of people who have never publicly demonstrated in front of any building or Legislature, nor have they had their hard-luck stories portrayed on TV or on the front or middle pages of any newspaper. It is a sort of group that often says, "Let George do it," and hopes things turn out okay. It is, moreover, a group that believes in the concept of a strong Canada that includes Quebec. It is also a group that reluctantly understands that the political posturing associated with so much of the current debate is a regrettable reality of our country today. Despite this, it is our hope that Alberta leaders like yourselves will rise to statesmanlike status and present a position that will demonstrate to other Canadians that the future of our country is more important than the future of any political party in Alberta whether it be the PCs, the NDs, the Liberals, or even the Reform Party.

We are a group of pan-Canadians who fairly recently have chosen Alberta as the best province in which to live. We contribute positively and energetically to the economy and the community life of Alberta. Our children are already assuming leadership roles in their everyday lives and will exponentially make greater contributions to the vitality of this province in the years ahead. We are really DPs, meaning delayed pioneers. However, we have been conditioned by the experience of a federalism that embodies a strong central government and a political system built on trust, tolerance, and understanding, one that embodies sharing with those regions and populations whose resources and geography historically have dictated economic and social inequities.

It is imperative that we view Canada from a long-term perspective and not from the recent past of some 40 to 50 years or less, not to mention the last two or three. It should be our long-term goal to rebuild Canada as a model of political, economic, and cultural co-operation. In the short term, however, it will involve a compromise of the emotions and the diffusing of partisan and intellectual walls that have been built by so many of our esteemed political leaders and academics.

Now I want to make a few comments on some of the outstanding issues surrounding the constitutional debate. Notwithstanding much of the genuine concern about provincial equality, we must recognize very clearly that the question of Quebec within Canada is central to any of these discussions. Our group is concerned that Quebec nationalism combined with regional disenchantment will lead to the weakening of our federal system and the inability of our government to govern in the name of all Canadians. One of the realities few Canadians seem to understand is that not all provinces enjoy equal powers today. This arrangement, which is called asymmetrical federalism, allows, for example, Ontario to control their provincial police and Quebec to utilize their own civil law system. This does not mean that we advocate any extensive transfer of federal powers to all the provinces or even to Quebec alone.

In this context, however, there is obviously room to discuss the division of certain powers that can be functionally exercised better at a provincial level but whose division does not impact on the federal government's ability to fulfill the goals of a strong nationhood and a preservation of national values. We don't believe, for example, that control over the environment or immigration should be the exclusive prerogative of any one province, nor do we believe that the policies that promote bilingualism and multiculturalism are inherently divisive or unfair. In fact, we are more concerned that the bonds that have traditionally linked Canadians together are being dismantled by the Mulroney government in Ottawa. We are referring here to the dismantling of our post office system, the curtailment of Via Rail service, and the downgrading of the CBC as an independent and vital communication channel for all Canadians.

2:56

The argument that Quebec is not a distinct society has become an intellectual as well as a bigoted cause célèbre for many Canadians in the so-called rest of Canada. Quebec is a society with a different legal system, a society with specific institutions, a society that existed two centuries before the Fathers of Confederation met in Charlottetown in 1864. Today as we are becoming more willing to accept the distinctiveness of our native peoples, we should continue to allow Quebec's distinctiveness to be recognized through the existing realities of asymmetrical federalism. Those who argue against distinctiveness understand little about the interrelationship of language and culture, nor do they realize that periodic elements of legislative distinctiveness have been historically enjoyed by other provincial governments in the past.

How we will resolve our constitutional impasse in the short time facing us is uncertain. Distrust of politicians and the political processes they promote is colouring the whole debate. Excessive emotionalism and political partisanship is hampering responsible political dialogue. It would appear to us that some form of constituent assembly of Canadians should be convened to grapple with the constitutional crisis. In this respect I have attached to this submission appendix A, which is a recent article from the *Globe and Mail* that outlines a possible model for such a body. This particular body would be essentially equal in nature. I believe the outcomes of the deliberations of such a body could help to vividly demonstrate that a body like a triple E Senate can make a significant contribution to Canadian political life, that it is more than just a western-based political dream and therefore more likely to be acceptable to those who oppose its essential three-pronged characteristics.

We also hope that Alberta will continue to be a leading proponent for the cause of Canadian unity, that we will become the embodiment of statesmanlike stances and attitudes, and that we will be seen as the embodiment of the real essence of Confederation characterized by a sense of sharing our resources and co-operation in times of need. This presents a great challenge to all of you as members of the select committee. You have been thrust unexpectedly into the roles of nation healers and nation builders, roles that you were not necessarily elected for in the first instance. As a representative of a group of proud Canadians and Albertans, I sincerely hope and pray that you will not fail.

By way of conclusion: you will realize that there is not much specific in the way of recommendations but some general comments that will echo the sentiments of a lot of people relatively new to this province who are determined that Canada shall remain one, and I pass these to you for your consideration.

Thank you.

MR. CHAIRMAN: Thank you very much, and thank you for attaching an item which you endorse. It's a sample of what the constituent assembly may look like.

MR. DUNPHY: Right. I was listening to the last speaker and thinking I have something there.

MR. CHAIRMAN: Thank you very much.

Yes, John McInnis.

MR. McINNIS: Brendan, I certainly think your desire for us to hear from the silent majority is a commendable one. I think those of us who sit in hearings are never quite certain whether we're hearing a representative sample opinion or not, although I daresay many people hear different things in the sounds of silence, if I can put it that way – and to let you know that this committee is trying to get the benefit of social science to do some polling among the general population to try to at least get some idea of how those who don't come to hearings feel about things.

I want to ask you a specific question about the distrust of politicians, because I think that's part of the backdrop of what we all face. You are, I believe, the second Liberal candidate who's come to speak with us this afternoon. We've also had submissions from the Liberal Party provincially, from university Liberal clubs, and other manifestations of the party apparatus. Because the other parties haven't undertaken that type of representation to this committee, I'm kind of curious whether you feel that's the kind of forum we should have as opposed to, I suppose, the alternative view that we're trying to hear from the more general public and that the political parties are better to stay back and listen for a period of time.

MR. DUNPHY: Well, it's perhaps an unfortunate coincidence that I'm a member of the Liberal Party and a candidate for election. Given that reality that I would stick out because you know who I am, I really wanted to come here and try and portray that I was speaking for a group of Albertans and Canadians who have a special feeling about Canada and about the way Canada should evolve in the future. It may be that some of the statements I made do reflect or mirror some of the things the Liberal Party has said in the past, but that's also coincidental.

The reason I attached the appendix on the constituent assembly is that I believe there's a lot of people out there who would like to see the process work in a way in which more – I won't say the average Canadian – nonelected people would have a say in how the country would evolve. I think you can't deny the right of the elected politicians to be involved in the process, but a constituent assembly which would have a balance of so-called nonelected people and elected people, and you have to have academics for some resource power – a blend of non-elected and elected and others – should be more acceptable to the Canadian people.

MR. McINNIS: Just so I'm clear on it, you would prefer that we read your submission as coming from you as an individual?

MR. DUNPHY: No. It comes to me from a group of people I know and associated with in the last 20 years who have moved into this province. In my dealings with them on a regular basis I know this is the way they feel about Canada. I'm not the president of organization X, but I do represent a lot of the people from other parts of the country who have chosen Alberta as the place to live.

MR. CHAIRMAN: Thank you very much.

Sheldon.

MR. CHUMIR: Even though you are a Liberal, Brendan, and many of the ideas I agree with, I must say there are two very significant things you've proposed that I'm on the opposite side of. Be that as it may, I don't want to talk about those. I point that out as an opener because I don't know where you stand on this particular issue that I've asked almost everybody who's appeared before this body, and that is in respect of the federal role in setting national standards for medicare and social services and then even beyond that to an area where they're not involved now, and that is education. Because you're an educator and perhaps see some of the practical implications a little more closely than we would – and there is a view that the federal government should be out of those areas altogether – could you give us your thoughts in that area?

MR. DUNPHY: Well, I support national standards backed up by resources from the federal government to help those provinces with the greatest needs. In terms of education I guess a thing that really focuses my attention on the need for national standards and national assistance is, let's say, a province like Newfoundland with very limited resources. As Canadians I think everyone is entitled to the same basic level of education, and for some provinces that is only possible by significant amounts of federal funding. So I see national standards in a sense of money to back up. I believe there's a minimum kind of education that all Canadians should be entitled to regardless of where they live.

MR. CHAIRMAN: Stock.

MR. DAY: Thanks, Mr. Chairman.

Brendan, I just need clarification. You mentioned some federal institutions, some colossal money-losing ones as a matter of fact – Via Rail; you talked about the post office – and shared your concern about the effect of the federal government moving away from, as I gather, the fairly massive subsidization of those operations. Are you suggesting there be constitutional protection for federal institutions whether they're losing money or not? I don't quite understand, in the light of this constitutional discussion, what you'd like to see there.

MR. DUNPHY: By alluding to those three examples and the current government, I guess I was trying to make reference to the fact that there are certain things in this country that traditionally have held it together. I mean, there are not just three items, but three things that have made Canadians seem to feel like Canadians no matter where they live are institutions like the CBC and Via Rail and, to a degree, the post office. I realize that in some cases there are inefficiencies, but sometimes you have to live with some inefficiencies if you want to have people feeling they belong to one country.

3:06

MR. DAY: If you could just help me, then, because we're trying to get a sense from all Albertans, and when someone comes, like yourself, representing a group, as you say you do, I'm trying to get a sense of that representation. I'm a little bit confused. At one time I thought you had said silent majority, and then a little while later you said a group of new Albertans who have moved here is who you're representing. I'd just like to ask you, whichever that group is, if you could let us know who you feel you're representing there and does that group support, for instance, the post office not having to deal with competition and being protected as a monolith having that stranglehold on the public. What's your sense from the group you represent?

MR. DUNPHY: Well, let's take the CBC as perhaps a better example.

MR. DAY: I was referring to the post office mainly.

MR. DUNPHY: Okay, but I want to talk about the CBC first. Most of us, the people I represent, have been weaned on the CBC; it's been an integral part of their development as children and young people. So naturally they have a strong affiliation to it and would want to see the CBC remain a very viable entity. The post office: maybe you could argue there's some nostalgia attached to that, but I think that just because you live in rural Canada, you shouldn't be condemned by not having the services of something that you feel is vitally important to your psychological and political beliefs.

MR. DAY: In answer to my question then, if you could just help me, and then we'll move to the next question here, the group you represent: you said silent majority and then you said a group of new Albertans in the last 20 years. Which group is that that you're saying, and do they share your sentiment for the protection of the post office?

MR. DUNPHY: The group I represent I can say is the silent majority, because I tried to elaborate the fact that these people aren't out there demonstrating and saying, "This is what I believe should be done." They're more the silent group of people who go about their everyday lives very diligently in terms of the workplace but have not taken the time to make their opinions known on these kinds of issues. I feel it's time that someone heard from that kind of group of people.

MR. DAY: And you feel the silent majority is supporting the post office from other forms of competition?

MR. DUNPHY: The silent majority would want to promote and believe in the continuance of those links, those essential federal links, if you want to call them that, that help to bind this very diverse country together. If the post office is one of them, which I think it is, then they support that.

MR. DAY: Thanks, Brendan.

MR. CHAIRMAN: Thank you very much. Well, one question about the CBC, of course, that has been bothering a number of people is the fact that Radio-Canada in Quebec is not, in fact, giving the same news [interjection] – it doesn't – to Quebeckers that the CBC gives to English Canada. If it was indeed an independent and vital communication channel for all Canadians, including Quebeckers, I think we'd be better off. I think the fact of the matter is that it has not been, and this was well pointed out by one of the Premiers in Whistler. Radio-Canada constantly played a visual image of a Quebec flag being burned and trampled in Ontario, and the CBC we watch, English CBC, has shown us a number of pictures of the Canadian flag likewise being desecrated in Quebec. The Premier asked the rhetorical question: is that – Radio-Canada/CBC – promoting national unity? If it were indeed the communication channel for all Canadians including Quebeckers, I'd be a lot happier, and I think that's been pointed out on a number of occasions.

MR. DUNPHY: Well, I don't disagree with those observations. Those kinds of spectacular media promotions certainly do great harm for the country, and I hope people would be more sensible about that.

MR. CHAIRMAN: Well, thank you very much, Brendan.

MR. DUNPHY: Thank you.

MR. CHAIRMAN: Okay. Is Gregg Schell here? Andrew Pask? Okay. Caroline Russell-King?
Welcome.

MS RUSSELL-KING: Hi. Thanks. I don't like microphones that much . . .

MR. CHAIRMAN: Well, unfortunately we are recording the proceedings in *Hansard*, so I'd appreciate it if you'd use them, whether you like them or not.

MS RUSSELL-KING: Sure.

MR. CHAIRMAN: Okay? Thank you.

MS RUSSELL-KING: I'm going to be doing an informal presentation. I'm not here on any other political agenda; I don't represent any parties. I am your Joe Citizen. I've never done anything like this before. I hope you've seen a lot of us. I hope we're a breath of fresh air to you as opposed to comic relief.

The Prime Minister last night said that he wanted to communicate with Canadians using plain and simple language, so that's what I hope to use: plain and simple language. I'm also going to use diagrams, because I'm an artist and that's the way I work.

I see this as Canada, and I see this ideally as Quebec being a distinct society within Canada and yet still being a part of the nation. I see other groups of marginalized people also being within the circle which is Canada. However, I see this as an ideal. What I actually see happening is this: I see marginalized people outside of Canada. So if this then is the ideal, how do we get from this to this? I see us getting from this to this by breaking down these boundaries and allowing people to enter.

So then I think to myself, "What makes up the majority here?" I see the people who make up the majority as being white. I see the people in power as being male. I see them having money, and I see them having education, and I don't necessarily see those in all the factors on the outside.

I see that there are three steps we have to go through in order to go from this to this. The first thing that usually happens is a lack of knowledge; we have a lack of knowledge of what's really going on in Canada. I think this is happening with the First Nations people. I feel very strongly about this: there's not a real understanding of what's going on. I think the second thing that happens is that there's a fear of change. What will happen if we allow certain people into our society? What will that mean for us as Canadians? I see that in terms of Quebec as well. So the second thing would be a fear of change. The last thing I see is a perceived threat. You can take a lot of things and you can work it into this model. Something as local as the kirpan issue, something we had recently, would be a real perceived threat. If we allow these changes to happen, then that will be a very real thing that we have to worry about.

I'm worried that society is like a triangle, though, too. If this is the base and if this is a silent majority or not a silent majority, right at the apex of this are our groups like the KKK and the Aryan Nations people. I'm very concerned about them. I'm very concerned that they consider themselves marginalized people and would like to be taken into consideration as being a part of Canada. I don't; I see them being supported by the status quo.

I have four points I'd like to make, and if you'd like to write them down – I don't believe in giving handouts – that would be great for me, because then I'd know that they're going in your brain and out your arm. The first thing is that I'd like nations people to be given a stronger voice in the shaping of the Constitution. The second: I'd like landed immigrants and people on a visa and refugees to have the same rights and freedoms extended to them as Canadian citizens. Thirdly, I'd like specifically that homosexuals be guaranteed rights and freedoms so that they can no longer be discriminated against in the court system, the legal system, and the workplace, and I'd like the Constitution to be amended to say regardless of sex or sexual identity or origin or gender or whatever. Fourth: I don't know if you could make a proviso for this, but I feel that a lot of groups are hiding behind their freedom of religion act and are actually a shield for racist groups; that is, these people that are doing a lot of harm to the fabric of our society. It's those specific points that I'd just like to bring to your attention.

MR. CHAIRMAN: Okay. Well, thank you very much for your presentation.
Pam Barrett.

MS BARRETT: Well, first of all I'd like to thank you for drawing out what you wanted to present to us. I think that's a very special way to do it and probably the first time anybody has done that. Given your statements on religion, that people are hiding behind certain things to promote racism, could you just elaborate which component of the Constitution you think it is that they do this with?

MS RUSSELL-KING: I don't know specifically what they're doing. I just know in general terms that freedom of speech doesn't include inciting the public to violence against certain groups, those kinds of issues, and that the gun is not a religious symbol of the Church of Jesus Christ Christian Aryan Nations people – a gun is a gun – and that it's easy to get caught up in those kinds of rhetoric.

MS BARRETT: Oh, I see. I'm sorry; I didn't know that anybody had made the case that a gun was a symbol of a church. Okey doke. I'll look at this one. Thank you.

MS RUSSELL-KING: Sure.

3:16

MR. CHAIRMAN: Yes, Stock Day.

MR. DAY: Thanks, Caroline. It is refreshing to look at drawings rather than this mass of words. It helps us to refocus, I guess, literally. I don't know about theoretically.

I would like to just question a little further how you come to the conclusion that the status quo could possibly support something as bizarre as the KKK or the Church of Jesus Christ Christian Aryan Nations, whether they use a gun for a symbol or not. Can you help me, show me how this table is part of that?

MS RUSSELL-KING: I offer that in the fact that none of your people are of colour and that I don't see any marginal groups represented on this panel.

MR. DAY: That none of us are – I'm sorry – coloured?

MS RUSSELL-KING: People of colour.

MR. DAY: And therefore we're supporting the KKK?

MS RUSSELL-KING: No, not directly, but indirectly. The people that I see on the panel are in majority white males, and because of the power structures that we have in our society, that's how groups like that . . . They go through to the last stage, the first stage being the lack of knowledge, of understanding, of integration, and fear of change, and then a perceived threat. They take the perceived threat, which is what I hear in the media all the time: what will happen if . . . What will happen if . . . So I see it as a power base that supports those kinds of people. I really do.

MR. DAY: Okay. I just share, even for my colleagues in opposition parties, that I can assure you that none of us around this table support in any way, shape, or form those types of fringe groups. Actually, one of our members, a native woman, isn't here today. She's not on this committee by any amount of tokenism. She rightfully earned her place as an elected representative, but isn't with us today.

MS RUSSELL-KING: Yeah. I don't want to say that you're all, you know, Nazis. I don't want, you know, labeling.

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: I just wanted to compliment our speaker on her sensitivity for human rights. I might mention that although your concerns with respect to homogeneity are well taken, we're not all males here – my friend to the right here – and are not all WASPS. I'm a member of a tribe that's not that popular with the Aryan Nations; I'm a Jewish boy. So there is some flexibility, and different groups can get a toehold in being represented in this province, although we can certainly do better.

However, to no surprise of my colleagues, I want to move away from the heart of your presentation and deal with an issue that's been very fundamental in our deliberations, and that is the role that the federal government should play in our medicare and social services programs as opposed to what the provinces should do. At present the federal government funds and sets minimum national standards for medicare and social services. Some say that the federal government should get out of that and the provinces should take over jurisdiction over the medicare and social services programs, and if there are to be national standards, that they should do it and get the feds out. I'm wondering what your position would be with respect to the role of the federal government in those programs.

MS RUSSELL-KING: I lean towards federalism. I believe in unity. I believe in keeping Quebec in the Constitution and in the strength of Canada as a nation. I'd say in apple pie and the American flag, but, you know, it's the maple leaf and the whatever.

MR. CHUMIR: Okay. Thanks.

MR. CHAIRMAN: Thank you very much. You've given us four specific items which would require some constitutional change or at least changes to some of the legislation which is now in place. Thank you very much.

MS RUSSELL-KING: Thank you.

MR. CHAIRMAN: Gregg Schell is not yet here nor Andrew Pask. Our next presenter is Treasa Van Ommen Kloeke.

I understand that you'd like to wait until the appearance time of 3:30 which you had been given. Is that correct?

MRS. VAN OMMEN KLOEKE: It's a little difficult. I'm sorry, but a third member of our group is on his way from another meeting.

MR. CHAIRMAN: All right. Then is Rick Pollard here?

Okay. We're jumping ahead of ourselves a little bit by the fact that two of our presenters have either decided not to come or are late. We will take a 10-minute adjournment.

[The committee adjourned from 3:23 p.m. to 3:32 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, members of the panel, if you could please return to the table.

Okay, there are three presenters now. You are aware, of course, that we're going to have to try and keep the presentations within the time limits.

Please proceed, Treasa.

MRS. VAN OMMEN KLOEKE: Thank you. My name is Treasa Van Ommen Kloeke. The Canadian people have been asked for suggestions for change for the future course of Canada through constitutional reform. I present to you the need for the Constitution to provide full protection for our society's foundation stone, which is the traditional family. This foundation stone should not be open to any organization, international or otherwise, to tamper with or nullify. However, it seems that the Canadian government has been allowing this to happen. It is clearly obvious to those who care and observe that the generous funds handed over by government to special interest organizations and radical groups at taxpayers' expense are in turn used to fund those groups' antifamily agendas through further infiltration of and pressure on our government.

To illustrate, let me mention here two groups who predominate. The first group consists of radical feminist organizations who confess to surprisingly small numbers of membership, who overlap into each other's organizations, and who receive out of taxpayers' money over $13 million per annum from the office of the Secretary of State. These women's groups advocate the destruction of the traditional family structure and marriage due to what they call enslavement of women and claimed oppression of women. Furthermore, these groups advocate universal day care and free abortion, again at taxpayers' expense, and the destruction of the patriarchal system; hence their involvement in rape crisis centres, et cetera, and their support for the homosexual agenda. They also support and further their regime through involvement with the sexuality programs right through the school system and into the universities. This runs the gamut from introducing homosexuality as an alternative life-style to grade 5 children in elementary school to organizing so-called women's studies in the university where the feminist lecturer introduces her new students to the program by qualifying it as male-bashing. One completely baffling situation arises when government ministers complain about the tight financial situation and they in turn go forth and attend workshops for feminist groups and tell them how to lobby governments and get funding. This has become an annual event in Alberta, in Calgary in particular.

Something else which baffles us is when the provincial government matches dollar for dollar for some of these groups, not questioning the source of the original dollars, which is commonly the federal government. I suggest that some members of our government need to become conversant with reality, learn how to discern right from wrong, and become strong enough to stand their ground against these radical pressure groups with their vested interests who are a threat to the stability of Canada.

The second group which predominates is on the international level, now outpassing in size the International Red Cross, and is called the International Planned Parenthood Federation. Our government supports this organization directly and indirectly, financially and otherwise, though it is well known to be the largest ever killer of humanity. The Planned Parenthood Federation kills at least 60 million unborn children every year, either directly or in conjunction with other agencies throughout the world. In Canada this figure reaches over 100,000 a year. Canada, in the near future, has yet to confirm that the signature which Prime Minister Mulroney has already placed on the UN Convention on the Rights of the Child treaty is ratified by each of the individual provinces through their Premier. This is a very serious issue, as once ratified, the laws of the UN treaty will be the laws which will govern Canada and will nullify the Canadian Constitution in respective areas.

Though the UN convention on the child contains some good material, some extremely dangerous articles are included. It should be understood that this convention was held behind closed doors and the provincial follow-up is also held behind closed doors. New world order laws are being made which concern whole nations without consulting with the people who are affected. Let us question whose thinking values went into forming this treaty.

The only part of the convention that mentions the need to protect the unborn is in the preamble, and this is not binding so therefore has no value. Articles 8, 13, 14, 15, 16, 18, and 24(2)(f) all jeopardize the family, parental rights, and the unborn, not the least to say the child. For if parental rights are taken away and children by law are given the freedom to do as they please without any parental control – have family planning, abortion provided at any age – and laws against concerned parents established, there can only be chaos to follow.

A very frightening connection can be made between the UN convention on the child and the Planned Parenthood Federation, and this must be kept in mind when we ask that question: whose thinking and values went into this treaty? The chief spokesperson for the Planned Parenthood Federation is Faye Wattleton, who is a board member of the UN's child relief agency, UNICEF. Also, the first charter member of the UN was a man named Mr. Owen, who ultimately became the secretary-general of the International Planned Parenthood Federation. There are, most probably, many more ties than these two.

Coming to the conclusion of this presentation, I would ask the members of the panel to please urge Premier Getty and other Premiers not to ratify the UN convention on the child, or at least to place reservations on the aforementioned list of articles so that they are not legally binding on our nation. We would ask our government representatives and ministers to turn around the destructive trends threatening our country and to have the courage needed to do so. They should be confident in knowing that the vast majority of Canadians support the protection of the traditional family of husband, wife, brothers, sisters, children, both born and unborn, and not the least the handicapped and the elderly. Supporting the elimination of the family, marriage, the unborn, elderly, and handicapped is not the role of a government that really cares for the people. Let the family be protected by the Constitution of our country.

Thank you.

MR. CHAIRMAN: Thank you.

Next.

MR. COLVIN: My name is Robert Colvin. Mr. Chairman and committee members, Alberta has a long and proud history, revealed time and again in the lives of some remarkable people who overcame great adversity in their personal determination to forge a life for themselves and their family in a new, previously unharnessed land. Throughout this colourful history the communities of Alberta were established and maintained on the commitment of a group of people bound together by their shared vision of a life-style offering great opportunity for those bold enough to sacrifice for it.

The strong and vigorous Alberta community, of which we carry such pride, was established and maintained on the foundation of three major pillars: the family unit, in which the individual uniqueness and spirituality of each person was nurtured; the community, in which the spirit of common concern, morality, and co-operation allowed each family to multiply its resources and rely on the strength of the group; and the school, which consolidated the beliefs and the instruction of the home in a curriculum of instruction that prepared children to one day assume positions of positive contribution to society. The family, the community, and the educational system were working in concert to establish and maintain a strategy of life that empowered each member of the group to withstand the harsh physical and social influences facing those in pursuit of new opportunities and achievement. The sanctity of each was confirmed and promoted through solid provincial legislation endorsing their necessity and rightness.

Significant changes have been taking place in Alberta since those years, changes that have in many ways completely transformed our unique culture. However, not all changes are progressive. Within the fabric of Alberta society we are witnessing to an increasing degree the transformation of these three traditional pillars into fragile and unsteady supports. None of the three has managed to escape erosion, and because of their interdependence the process of decay has been greatly accelerated. Increasingly we are witnessing the rapid polarization of Alberta's parents on the basis of how they prioritize the importance of nurturing their own children in relation to their desire to pursue personal career and financial goals.

To a significant extent there is a growing recognition that the traditional parenting values that so appropriately characterize the strong communities of Alberta are giving way to a new parenting value system. This emerging perspective relegates children to the level of a possession and, not infrequently, a significant inhibitor of career aspirations and personal freedoms. Contingent to this attitude is the evolution of a societal norm or a cultural expectation that under the rights available to Canadian stakeholders, the fabric of society should assume responsibility for the rearing of their children. This amounts to little more than parenting in absentia and complete abdication of parenting responsibilities.

The problem of freeing individuals to pursue their personal dreams and aspirations is solved by society's willingness to assume responsibility for the rearing of these children. However, the barometers of Alberta's social health are indicating that this response has set in motion a series of destructive trends. Firstly, there has been a significant loss in the right of a child to be raised within a family setting that is focused on nurturing his independence of personhood. Collective care programs are well documented to restrict rather than enhance the emergence of individuality, and a generation of Albertans are emerging who understand the meaning of coercion and control far more clearly than their perception of co-operation and love.

3:42

Secondly, there is a significant erosion of benefits and programs directed at enriching and endorsing the efforts of parents who in traditions of Alberta culture are willingly sacrificing their personal dreams and desires to one extent or another in the personal service of their children. Constitutional guidelines are leaning heavily toward the side of empowering people to pursue their wants, while those very things of value, the family and its capacity to nurture a person's uniqueness, are in drastic decline. The struggle encountered later in life for people who have only experienced the emptiness of communal child care and collective child rearing emerges throughout our society. We see evidence of lost people in social welfare programs. The lonely and desperate withdraw and disappear only to be recorded as a statistic somewhere in the health system. Those without hope or connection to others fall into the criminal justice system.

The capacity of the medical, educational, and social systems to be a surrogate family and address the need for the nurturing of healthy people is limited and ineffective. The institution of the family and the richness of a caring parent/child relationship is now, as it always has been, the foundation of a healthy and vigorous Alberta. A strong family is the only solution, and constitutional reform and legislation aimed at reinstating and re-empowering the family is essential in this process. It is the only answer to the great challenge that lies ahead of us all in our hopes of preserving the character of society which has stood the test of time and which is certainly capable of enduring the face of the future.

MR. CHAIRMAN: Thank you.
David.

MR. NYGAARD: Good afternoon, members of the panel. My name is David Nygaard. I'm a second-year student at the University of Calgary. As an external commissioner I'm an elected member of the students' union. Although elected to represent U of C students on a broad range of issues, today I'd like to speak to you on behalf of Canadian youth generally and on behalf of myself personally.

I'd like to briefly address what I perceive as two of Canada's largest obstacles to possessing a Charter which respects the views of young adults and attempt to outline some specific points which could contribute to a solution.

My first point is that of responsible or responsive government. We should never make decisions on behalf of other persons based on assumptions which might well be false. We arrive at these assumptions by either not giving the particular group a voice or by giving it a voice and then interpreting only what we'd like to hear. An example of this could be the reactions of the various levels of Canadian government vis-à-vis the issue of native rights.

However, my point today is that you of an older generation should not make decisions in a vacuum in the absence of a youth voice. For instance, decisions taken in a committee might very well be the exact opposite of what we the youth would like to see. The preceding generation is making decisions on behalf of the arising generation based on a belief system or world view that we the youth do not necessarily subscribe or adhere to.

Most persons of university or college age have surpassed the emotional instability of adolescence and have already formed firm beliefs and/or a world view for themselves. It is frustrating, to say the least, when a room of 40- and 50-year-olds takes the decision to place condom machines in every possible public school or university or college simply because they feel that this is probably what the kids want. Perhaps a different conclusion would have been reached had we been consulted.

My second point is that of a specific protection in the Charter for the fundamental rights and freedoms of the unborn child. It is this child who if not deprived of his or her right to life would eventually become a young adult citizen of Canada.

Firstly, a short example from history. In 1928 the Supreme Court of Canada unanimously ruled that women were not persons. A year later, on October 18, 1929, that decision was appealed, and the Privy Council in England declared that the word "person" – section 24 of the BNA Act, 1867 – includes members of either sex. Today we take that decision for granted as a simple acknowledgment of truth. The glaring question begs to be asked then: why in the world would the Supreme Court of Canada rule in 1991 that unborn children are not persons, not Canadians, and not worthy of the rights and freedoms detailed for them in the Charter? If this argument is followed to its illogical conclusion, it is no wonder that we encounter a court ruling that states that unborn children are not persons with rights until they have fully exited from their mother's womb. Thus we have absurdities like the British Columbia midwifery case where the infant's head had exited from the birth canal but it was not deemed a person because its torso and lower body were not yet exited as well.

Specifically what is needed is an amendment to the Charter recognizing that the unborn child is a person with enforceable rights and freedoms. This means that in part 1, section 7, which states that "everyone has the right to life, liberty and security of the person," the word "everyone" must include in its meaning the unborn child just as the British Privy Council ruled that the term "person" must include women as well.

Part 1, section 15(1) must be enforced as to be true to its stated intention that

> every individual is equal before . . . the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on . . . age

as well as other factors. A significant percentage of Canada's citizenry is brutally discriminated against every day simply based on age and place of residence, namely the unborn child.

In conclusion, let us strive for a Constitution that is truly, as it states, representative of equality for all regardless of race, national or ethnic origin, colour, religion, sex, age, or mental or physical handicap.

Thank you, members of the panel.

MR. CHAIRMAN: Thank you all for your presentations. You've targeted specific issues relating to the Charter of Rights and Freedoms and have not addressed yourself to some of the other issues we are dealing with such as division of responsibilities and so on.

I think, though, it's fair to say that you will appreciate, if you heard the last presentation, that your views are diametrically opposed to the last presenter, particularly with respect to sexual orientation being included in the Charter of Rights. The last presenter urged that that be done to protect the rights of homosexuals. So you see the dilemma that our committee has before it. Furthermore, I can assure you that we have had on a number of occasions people who have taken directly the opposite perspective relative to the issue of the unborn. So it's a very interesting challenge that we are facing, obviously.

Questions or comments from anyone at the table? Yes, Stock Day.

MR. DAY: On the item of the unborn, I gather you're clearly asking for that protection to be enshrined constitutionally.

MR. COLVIN: Yes, that's correct. That's what we'd like to see.

MR. DAY: Right now, though, that is federal legislation. There seems to be some availability, I guess, from province to province for the provincial medical association to have some say in this particular area. I use as a case in point the discussion advertised this weekend. Last week it said that the term could be 18 weeks at which abortion could happen in the Morgentaler building, and then later on, on the weekend, the provincial Medical Association said it could be extended to 20, perhaps 24 weeks, which caught my attention since I have a 17-year-old son who was born at 28 weeks. It's no longer a medical marvel to see a 24-week birth happen. So are you suggesting that the ability for this to be enshrined in the legislation then should overrule any provincial medical association? As ours is drawing time limits now, are you suggesting that that should overrule all provincial medical associations?

MRS. VAN OMMEN KLOEKE: May I answer that one, please? I would like to say that I don't think that in this day and age when the almighty dollar has become such an important factor in everybody's life it should be left to the individual who's making the money off this business of abortion to make the decision. There are far too many doctors who, I'm afraid, have forgotten that the physician is for healing, not for taking a life. The dollar has, I'm afraid, taken predominance over that. So I don't think it should be left entirely to the doctors of the country to make decisions in that form.

MR. DAY: We're hearing a lot about referendum and constituent assembly. Would you be willing to put that constitutional question to a referendum or a constituent assembly to let them wrestle with?

MR. NYGAARD: I think as Canadians we pride ourselves on living in a democratic and a pluralistic society, and I don't see any problem at all, personally, with putting a very, very controversial issue like abortion to the public. I have enough confidence in my fellow Albertans that we'd see a favourable result, "favourable" meaning that we would see some sort of restriction on abortion as opposed to the status quo. I have confidence in the province that that's what we'd see.

3:52

MR. DAY: Thanks, Mr. Chairman.

MR. CHAIRMAN: Would that just be in Alberta? If it's a national referendum, would you be prepared to accept the results of that national referendum if it went opposite to your perspective yet in Alberta it went in favour of your perspective?

MR. NYGAARD: In fairness, we'd have to abide by the national referendum. It's a tricky issue. I guess it's tied with the division of powers: what would we like to see left to the provinces, whether the federal legislation would override the provinces or not.

MR. CHAIRMAN: Well, that's another dilemma we have to face.

Thank you very much for your presentations today.

MRS. VAN OMMEN KLOEKE: May I just say one more thing?

MR. CHAIRMAN: Yes, certainly.

MRS. VAN OMMEN KLOEKE: Just in respect to: should this go to federal decisions? I would think that in that case, harking back to what I have presented, it should be that the federal government would not then give further funding to special interest groups who have as one of their main interests the furthering of abortion. So that issue would be on a fair playing field, if you know what I mean.

MR. CHAIRMAN: Right. Thank you very much.

Andrew Pask is here now, I understand.

MR. PASK: Mr. Chairman, members of the committee, I'd just like to say that this is a good opportunity for Albertans to present their views. I think we have to go back to the grass roots and do this more often.

My presentation today will touch upon the areas of constitutional affairs which I feel are most important in maintaining Canada. These areas consist of Senate and Commons reform, bilingualism, Quebec sovereignty, the constitutional amending formula, and aboriginal self-government.

With regards to Senate and Commons reform I believe that achieving a Senate that is equal, elected, and effective should be a preference not only for Alberta but for Canada as a whole. Continuing with an appointed upper House that still has precedence over elected representatives I feel is undemocratic as well as being unproductive for effective governing. In the case of the House of Commons I feel all parliamentarians should be free to vote on behalf of their constituents and not on behalf of their party. Such a concept would require a change in the rules of the Commons so as not to put a government in a position of nonconfidence, but I feel this change would be good for all Canadians.

In the area of bilingualism I don't believe that coast-to-coast federal bilingualism is warranted or fiscally responsible. Quebec, New Brunswick, and the National Capital Region I feel should be federally designated as official bilingual jurisdictions, and in these jurisdictions provincial and federal services would be, by law, provided in both English and French. The financial savings of serving a possible 8 million people as opposed to a possible 24 million or 25 million people I think would be considerable.

As for the contentious point of Quebec sovereignty, I feel a national referendum should be held if Quebec decides it wants to leave Canada. I think all peoples have helped build the province of Quebec, not just Quebecois, and I think all Canadians should have a say in something as important as a province leaving Confederation.

In the area of constitutional amendments I believe the regions of Canada and not the provinces should be looked at for amending the Constitution. For instance, the provinces of

British Columbia, Alberta, Saskatchewan, and Manitoba would make up the western region, as would the Atlantic provinces make up an Atlantic region. Ontario and Quebec would be regions themselves, and three of four regions would have to agree to amend the Constitution. In doing so, a province could still oppose the amendment to the Constitution, but because their region voted for it, the majority of the people in that part of the country would still be represented.

In closing, I'd just like to speak about aboriginal self-government. I believe a forum that aboriginal self-government could take would be either the municipal model or something along the lines of a canton like they have in Switzerland. The federal government would have jurisdiction over taxes and defence, and everything else would come under the aboriginal government. They'd be semiautonomous, and the provinces would have no jurisdiction whatsoever over these cantons, municipal models, or whatever you want to call it.

Thank you very much. Are there any questions?

MR. CHAIRMAN: Thank you.

Questions? Yes, Pam Barrett.

MS BARRETT: Thank you for your point-form presentation.

I want to ask about regional governments. I haven't heard this one for a little while. Were you suggesting that we should proceed with regional governments to replace provincial governments whether or not we have a national or just a Quebec referendum which resulted in the people of Quebec leaving Canadian Confederation?

MR. PASK: If Quebec were to leave, I would think just a national referendum. I don't think regional would come into it at all.

MS BARRETT: Yeah, I understood that. What I'm saying is: would you advocate regional governments to take over provincial governments, basically change those jurisdictions if, let's say, Quebec stays in Canada? Do you still advocate regional governments to replace provincial governments?

MR. PASK: Oh, no. I would just advocate regional in the sense of amending the Constitution. I think other than that we'd stay in a provincial jurisdiction.

MS BARRETT: Oh, I see. Okay. All right.

MR. PASK: It would just be in the case of amending the Constitution. That way you'd have a western region, an Atlantic region, Ontario, and Quebec. It would be four regions.

MS BARRETT: So it would be four regions becoming some type of constituent assembly, a different creature all together?

MR. PASK: Yeah, but it would just be for amending the Constitution.

MS BARRETT: I understand. What about public involvement then? I understand that you're saying we wouldn't just do it on the basis of 10 provinces having a say; we'd regionalize ourselves to amend. What about public involvement?

MR. PASK: With it being regional, it would almost be easier for an interest group, I think, because they could influence not only their provincial government but their whole region. I think that would be easier for public involvement.

MS BARRETT: So you do advocate more public say in the future?

MR. PASK: Oh, I think so. I think people are cynical just with government in general, regardless of whether it's municipal, federal, provincial. I think that's the way we have to go: more grass roots, more input from people. This is a good example.

MS BARRETT: Thanks.

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. Andrew, are you supportive of the national medicare program?

MR. PASK: Uh huh.

MR. CHUMIR: There's some suggestion in some parts that the federal government should not be setting the standards or doing any of the funding, that this should be done by the provinces. What's your view? Are you federal in that regard or provincial oriented?

MR. PASK: The way I look at it now, I think it's kind of haphazard. Some things, I understand, fall under federal, and some things fall under provincial. I would want to believe that the federal government would be the body for setting standards. That way, if somebody moves from one region to another or one province to another, they've got the same standard of care.

MR. CHUMIR: What about social services? There is now some federal role with setting minimum standards and doing some funding. Is that the way to go, or would you support a change in that mechanism?

MR. PASK: I think there should be a minimal standard, yeah, but if a province like Alberta or British Columbia has an opportunity to provide above that standard, I'm all for that as well.

MR. CHUMIR: The minimum standard should be the federal government.

MR. PASK: The minimum should be federal, yes.

MR. CHUMIR: Thank you.

MR. CHAIRMAN: Okay. Thank you very much.

MR. PASK: Thank you.

MR. CHAIRMAN: Is Rick Pollard here? All right. Cindy McCallum?

Yes?

MR. CHRISTIE: It's possible that the presentation for Banff-Cochrane – they won't be able to get a speaker here today. They said if they were not here at 4 o'clock, they will be giving a written presentation and will be forwarding it.

MR. CHAIRMAN: Okay. Thank you.

Gordon Christie is here, I understand. Are you familiar with the Banff-Cochrane constituency association group?

MR. CHRISTIE: Yes, I am. Sister Cindy just phoned a few moments ago, and she's stuck in Edmonton. The person who was going to come from Banff and do the presentation probably won't be able to make it.

MR. CHAIRMAN: Which party is it?

MR. CHRISTIE: It's the New Democrats.

MR. CHAIRMAN: Oh, I see. Okay.

MR. CHRISTIE: Anne Wilson was supposed to do the presentation, and I believe she's unavailable.

MR. CHAIRMAN: So we'll be getting a written presentation.

MR. CHRISTIE: Yes, definitely.

On behalf of the Calgary Labour Council and the 30,000 members thereof, I'd like to thank you for this opportunity. We originally had prepared back in May for a presentation here on June 1, but due to time constraints we weren't able to present that. In lieu of going through our presentation from last May and/or updating it, I was asked to revamp or bring forward a number of things that we feel are very timely and should be dealt with at this time. So we're bringing forward only the most urgent issues that we feel should be included in the new Constitution for Canada.

We feel that the Constitution of Canada must include a social charter which is based on common standards which are going to fully protect labour, social, and environmental rights. The Charter must entrench the rights of all Canadians in our Constitution.

4:02

Before we get into that, first and foremost, on behalf of the Labour Council I must express our grave concern with the current political situation across our nation, especially the contempt by Prime Minister Brian Mulroney towards his own employees; i.e., the members of Canada Post, CUPW, and the Public Service Alliance of Canada, PSAC. We find it very hard to believe it's possible for the Prime Minister and his government to negotiate an acceptable solution to our constitutional crisis when he can't even negotiate a fair and equitable solution or a collective agreement with his two largest groups of workers.

Getting beyond that, Canada has been built and has grown on the basis of a strong public service. Programs such as the national transportation system, Via Rail; the national communications system, CBC; the national postal system, Canada Post; and the national health care system, medicare, are all under attack by the federal government and slowly but surely are being dismantled. The public services are for people and not for profit. They are part and parcel of us as Canadians, and it must be maintained under a new Constitution that public services are for the people and not for profits.

As recently as last Monday, Harvie Andre threatened to terminate the monopoly by the postal service of mail delivery. We feel this very regressive move would not only destroy over 40,000 jobs but would implement a two-tier system where immediately the rural areas of Canada would be charged one rate for postal service and the urban areas another. Eventually even the urban areas would suffer, as they would be taxed to the limit in this market system.

Another issue that we wanted to bring forward at this time that needs to be dealt with under a Constitution is the concept of pay equity, that being equal pay for work of equal value. This concept is also being totally ignored by the federal government. The Public Service Alliance went on strike September 9. One of their main issues at that time, other than the wage freeze, was refusal of the Treasury Board to discuss pay equity. The federal government in 1977 passed legislation and they actually participated in a study from '85 to '89 on pay equity, but now when you come back to the table two years later, they refuse to even talk about pay equity.

I'd just like to add a little local note on that. The Alberta government is just as much at fault with pay equity as their federal counterparts. Over the past several years they've refused to negotiate any pay equity with their employees; i.e., through the Alberta Union of Provincial Employees. I did sit in on negotiations on one of the bargaining units there, and the government out and out just refused to deal with pay equity, period.

You can't talk about pay equity without also talking about a nonprofit child care program. It is very important to the future of Canada. It has to be enshrined in our Constitution. I find it very disturbing that during the last federal election in '88, Brian Mulroney was all willing to talk about it, but since, it's basically been put on hold. The promises that were made during that time haven't come forward.

Probably the number one concern affecting working people in Canada, and in Calgary in particular at the moment, is our very unjust labour laws. There's a real, urgent requirement to revamp our labour laws, to implement policies that are going to benefit workers, not protect unjust and unfair employers. Right at the top of the Employment Standards Code or the Labour Code we have to talk about the minimum wage in Canada. When it was set at $3.75 eleven years ago, it was totally unacceptable then. Here we are 11 years later, with rampant inflation, and we're still looking at only a 20 percent raise over the last 11 years. The example that really comes to mind is that a single parent with two dependents has to work over 92 hours each and every week at the minimum wage just to reach the poverty level, and to us the poverty level is far from acceptable as it is.

As part and parcel of a new Labour Code we have to have the ability to balance the process between employers and employees. Right at the moment it's so heavily weighted in favour of the employers that it makes it impossible for employees to bargain collectively. We need antiscab legislation similar to what was passed in Quebec in 1977 to level out the balance between workers and their employers.

Also included in the social charter as part of our new Constitution, we have to have rights for both native people and our environment. These have to be enshrined in the Constitution under the social charter. The federal government hasn't negotiated with the native people for the last 124 years. I had meetings two weeks ago with the Lonefighters at the Oldman dam, and this is just a prime example of how the government abuses the system. They were ruled against building that dam, and here they go straight ahead and build it even though the courts have ruled against that. That's the way they have dealt with our native people for 124 years. They have not negotiated with them, and they have not followed the laws that they have set. Environmental protection really has to be front and centre in our new Constitution, particularly the social charter, because if we don't protect our environment, what are we in fact protecting?

I'd just like to conclude by saying that the only way we are going to protect social, labour, and environmental rights is through some form of social charter in our Constitution. The Constitution has to protect Canadians from the government unilaterally imposing its agenda upon the citizens of Canada. The current system doesn't protect the wishes of the citizens. One possible solution to this may be through some sort of referendum system to stop the government from unilaterally imposing their system. It appears that during the election campaigns they come out with their broad-based promises, but as soon as the election is over – you know, 28 days later – the government just goes straight ahead with their agenda and does not listen to the people. I feel our Constitution should be a guiding hand on government on what they can and cannot do with the citizens of Canada.

I put forward the two papers, both the one that was earlier presented June 1 and the one today, for reviewing at your pleasure, but I just wanted to highlight those topics here today and would like to respond to any of your questions.

MR. CHAIRMAN: Okay. Ken Rostad.

MR. ROSTAD: Thank you, Mr. Chairman. What I'd like to do is actually, for the record's sake, correct what I think I heard. There has been absolutely no court ruling that the government of Alberta not build the Oldman dam. I'd like that correction in the record.

Thank you.

MR. CHRISTIE: I'd just like to respond to that. While you have a little more knowledge on the situation, of how the court ruled – I have not read the ruling myself, but my understanding, after having met with the native people who have lived for generations in the Oldman River area, is that the government was ruled against by the Supreme Court and in fact went ahead with that procedure. That is my understanding of it.

MR. ROSTAD: Well, I would just like to correct your understanding, because there has not been a court ruling at any level that that dam not be built. I would like to also, in response to you, indicate that you have had communication with a faction of a quite large band, the Peigan band, and as the minister responsible for native affairs past – I'm not presently – I worked an awful lot and quite intimately with the Peigan band. Although there have been some differences, they are being worked out and they are quite delighted. But just for the record's sake, there has not been a ruling against.

MR. CHAIRMAN: Okay. Well, we could get into an interesting political discussion on the basis of your presentation, but I think we'll avoid that now in terms of the constitutional matters.

Yes, John McInnis.

MR. McINNIS: It certainly is tempting. I think the fairest way to state the circumstance is that the Court of Appeal ruled that a permit which the provincial government had obtained for the construction of the Oldman River dam was required and was invalid, and the government went ahead and built anyway. Now, we can argue what that means all day long, but in fact I think you're probably both right in some respects.

My question is more specific to the submission, which deals with the question of a social charter protecting rights of working people, collective bargaining rights, social benefits, and environmental protection. I understand those concepts to be consistent with the idea of a Constitution as enshrining our basic values as a society, but I would like to throw the counterargument at you, because we get it quite a bit from especially people in government, who feel that putting those things in the Constitution, in the Charter, effectively ties the hands of governments and makes it difficult for them to respond to circumstances as they see them and in reality also transfers a certain amount of authority to the courts to make rulings. Are you aware of that, and does that change your view of whether to put those in the Charter or not?

4:12

MR. CHRISTIE: No, I don't think that changes our opinion at all. I think we very strongly feel that these have to be enshrined, the social charter has to be part of our Constitution. We're not happy with the current setup, where we don't feel the government's hands are tied at the moment. We basically feel as workers that the government is doing anything they want, whether it's legal, illegal, or whatever, whether it's moral. We feel that all the cards are stacked in favour of the government, and we feel there has to be a balance of power in some kind of mechanism to protect the environment, to protect workers, be it whatever. You know, I'm quite familiar with writing contract language as such and would be very pleased to put something forward in that line. I'm not familiar with writing constitutions, quite honestly, but we feel that the way it is spelled out now is not acceptable, and through some kind of contract language or some sort of social charter it has to be protected to enshrine that the government cannot destroy these rights and attack the people and the environment.

MR. CHAIRMAN: Sheldon Chumir, and then Gary Severtson.

MR. CHUMIR: In terms of health and social programs, there are two competing visions based at least on the current structure. One is that the federal government should be establishing minimum standards from end to end and with some funding clout. The other view is: Get the feds out of this thing, and let's give the provinces exclusive control over it. Where would you stand on that particular issue?

MR. CHRISTIE: Well, we are strongly in favour of a strong central government. We feel the federal government should be there to set minimum standards right across the country, regardless of which province a person is born, raised, or would choose to live in. We feel the federal government has to have a strong position on medicare and on the funding and the setting of standards that are tied into the funding for all those programs. I guess our biggest concern is the passing of Bill C-69, where basically over the next six years they're cutting out totally all their funding to medicare and to education, et cetera. That is a real fear of ours, that hey, the way we're going right now, to the extreme right, is not the way to go. We have to protect and educate our children and make Canada a healthy and prosperous place for these people to grow up in.

MR. CHAIRMAN: Well, thank you very much. We are moving along now. I see you've engendered a number of people who wish to participate.

Gary Severtson, Stockwell Day.

MR. SEVERTSON: Thank you, Mr. Chairman. You're saying that in a social charter the right to strike and antiscab legislation

– personally, I don't like that word. How about the right of the third-party person? Like, lately in the PSAC where the grain handlers on the coast are on strike, it's the farmer and the agriculture community that are not part of the negotiation which are the ones that suffer more than probably either party if it goes on for a long time. If that's enshrined, how do you protect the third- party people involved?

MR. CHRISTIE: Well, like the first . . . You might be aware that the president of the National Farmers Union came out in favour of the Public Service Alliance and is working hand in hand with the Action Canada Network, a number of groups, to help the alliance achieve their goals. First, you must remember that how it affects the third party is because of the total imbalance now. All the cards are in favour of the government. The government came out in their budget – they didn't even table the negotiation – they came out in the budget and said, "We're giving zero, 3, and 3." In fact, if the working people of Canada had an equal playing field, as you like to use the term, with their employers, and in this case the government of Canada, the strikes and the antiscab legislation . . . What you find happens is that you have much fewer strikes and the duration of the strikes is much, much shorter, and therefore you don't have the side effects that affect your third party. But as long as the rules are set up the way they are currently, you're going to have long, long strikes, and it's going to negatively affect not just the working people but the third party as well. Until we change those rules and start protecting and levelling off and making it better for workers, we're going to have those problems.

MR. SEVERTSON: So you see no problem for protection of third-party interests?

MR. CHRISTIE: Not at all, and I guess the example we'd give you is Quebec, where they do, since '77, have the antiscab legislation. The history there over the last 14 years shows that they have fewer strikes and those strikes they do have are of much shorter duration, with therefore much less side effects on the third party.

MR. CHAIRMAN: Stock Day.

MR. DAY: Mr. Chairman, just a couple of questions. You mentioned the post office, and I asked this of a previous presenter. You would like to see – because we're talking about the Constitution here – constitutionally enshrined protection for the post office as an entity as it is. Is that what you're saying?

MR. CHRISTIE: Well, not exactly as it is right now. I would like to see it back to the way it was and, in fact, expand the services to the citizens of Canada, not cut back and contract out and privatize all the services and basically what are just continual cutbacks to the postal services. We should be increasing postal services to Canadians and doing it on a national, universal basis available to each and every citizen.

MR. DAY: Some people are suggesting that polls – and as politicians we're very careful about polls. You know, if they're for us, we say that's a great poll; if they're against, we question it. But some people would suggest that a majority of Canadians feel that if there was competition allowed and in fact the post office didn't have a stranglehold monopoly, that would bring down rates and would make for more efficient service.

I have two questions, and then you can move to another questioner, Mr. Chairman. The first would be: even if a majority of Canadians are for allowing healthy competition, you would still want to overrule the majority? Secondly, a single native mother wanting to establish on a local basis a personal mail delivery service and having the wherewithal to do it, providing an equally efficient, maybe cheaper service, you would want a law that would prohibit her from doing that? So the two questions are the majority question and stopping, let's say as an example, a single native mother who could do that, and you would say no, there should be a law that you're not allowed to do that.

MR. McINNIS: Disabled, perhaps?

MR. DAY: Toss that in, if you like.

MR. CHRISTIE: Okay. On the first question, like you said, to use your own words, a poll is a poll. I guess you read out of that or into it exactly what you want, and I can show you just as many polls saying the opposite. Having been the past chairperson of the task force on privatization, contract, and other services for the Alberta Union of Provincial Employees, I can tell you exactly what you're talking about on your privatization, and I think you'll find just the exact opposite. In studies that have been done, from the sunset study in Pennsylvania right across to Australia, each and every one of them will show you that two things happen with privatization, contract, and other services. First and foremost, it costs consumers more; it doesn't cost you less. You may have a temporary minimal decrease in rates, but the long-term goal is that rates escalate tremendously and you have a real decrease in service. You have service for profit, not for people, and it does nothing but cut back service and increase your costs. As for a single, native, disabled woman wanting to create her own postal service, I guess I need a little more detail on what you're saying there, but quite honestly the contracting out and privatization of any service does not lead to increased service. It leads to decreased service, it leads to a profit in an individual's pocket, and it takes away from service to the customers.

MR. DAY: Would you be willing to live by a referendum question, the post office being included in a referendum question in Canada, in terms of making it available for privatization? Would you and your folks you represent be willing to live with a referendum question on that?

MR. CHRISTIE: If it was properly posed. I think you'll find the problem is that the working people and the government and the media are controlled, and what is put across by the media is not always a hundred percent. I don't believe half of what's in the media, to put it quite honestly. If the truthful information is given to all the citizens of Canada and they can make an honest decision on it, I don't have a problem with that. I feel if they are given the truthful, factual information, they will make a decision based on not privatizing or contracting out any government services but would be very happy with increased service of the postal system as it currently is.

MR. DAY: Thank you.

MR. CHAIRMAN: Yes, Pam Barrett.

MS BARRETT: Thank you. I just want to clarify something that I don't think was fleshed out sufficiently well a few minutes ago. When you talked about the social charter and Sheldon said, "Well, how do you feel about certain programs; do you want them federal?" and you said yes, I'm not sure if you had the ability to discuss this as a group with the Labour Council. Do you think either you or the council would be of the opinion that you would want to see a shifting of jurisdiction to the federal government where currently it is administered by the provincial government, or would you be satisfied with a social charter that assured federal funding participation in programs that are provincially administered?

4:22

MR. CHRISTIE: Oh, yeah. Correct me if I was wrong before. What I meant to say is that we want to maintain the current funding system where the federal government gives the money proportionately to the provinces, but the education system and the medical system should be administered by the provincial governments in their jurisdictions.

MS BARRETT: Okay. Yeah. Thank you.

MR. CHAIRMAN: Yes, Pearl.

MS CALAHASEN: That was actually one of the questions I had, Mr. Chairman.

MR. CHAIRMAN: Okay.

Thank you very much.

Anne Wilson, do you have a presentation to make on behalf of Cindy McCallum?

MS WILSON: Yes, I do.

MR. CHAIRMAN: Would you please come forward then.

May I just ask if Rick Pollard has yet appeared?

I should point out that Pearl Calahasen, the Member for Lesser Slave Lake, has joined us.

MS CALAHASEN: Thank you, Mr. Chairman.

MR. CHAIRMAN: Yes, Anne.

MS WILSON: My submission is from the Banff-Cochrane NDP Constituency Association on constitutional reform for Canada.

The provincial constituency of Banff-Cochrane rests between Calgary's northwest city limits and the B.C./Alberta border. It harbours Canada's oldest national park, provincial parks, and tracts of native reserve land. The population is dispersed among farms and ranches, small villages, and the three main centres of Banff, Canmore, and Cochrane. One of the most beautiful constituencies in the province, the landscape is as diverse as the interests and the needs of the people who live here. That includes new Canadians, transplanted Canadians, native Canadians, ranchers, industrial workers, tourism merchants, environmental guardians, the very wealthy and the very poor, a microcosm of Canadian diversity within one small political boundary.

In spite of our many differences in history, culture, religion, and priorities, there are many things which bind us together. We share the belief that our children have the right to grow up in a society which provides peace, health, and freedom, that they have a right to inherit a world with clean air, pure water, unpolluted soil, and unfettered wildlife. We share the belief that all people have the right to quality health care so that no person is excluded based on financial considerations. We share the belief that education is a key to freedom and that it is a right and not a privilege for all people to receive quality education. In order to ensure these rights are not eroded, we must maintain a strong central government which respects national standards. We must not allow our health care to be left in the hands of profit-driven, private-sector companies, as that will lead to different levels of service and care dependent upon your level of income. We cannot allow our health to become a market commodity.

One of the strongest bonds tying us together is a concern for our environment. Governments can no longer turn a blind eye as developers and foreign investors join together to exploit our natural resources for profit. Governments must develop a longer vision, a vision which exceeds the length of office of any particular politician or political party. Decisions must be made now to stop the current trends and practices of destroying our earth, air, water, and the habitat of other creatures which share our world. Governments must protect our long-term interests by developing tough standards and regulations to control pollution and provide effective means to enforce these regulations against wealthy corporations which find it cheaper to exploit than to comply. Assistance must be provided to help individuals and communities adapt to necessary changes in lifestyles, and governments at all levels must take on leadership roles to facilitate these changes. There is no future for Canada politically if we continue to destroy it environmentally.

As New Democrats we share other visions which we believe must be part of the development of Canada's future. We believe that our governments, both federal and provincial, must be inclusive and accountable to the people. The blatant arrogance of the current federal government is a shocking disgrace to Canada. The aligning of both levels of government with the interests of big business against the long-term interests of the people makes democracy a farce. The fact that Canadians are cynical about the political process and government is due to the attitude of government officials and their contempt for the electorate. We experienced it under Liberal regimes and now under the Conservatives. Elected representatives must be reminded that they are empowered to serve the people and not just their friends.

We have a vision of a society in which all people regardless of gender, ethnic background, or beliefs are treated with equal respect, provided with equal opportunities, guaranteed equal rights, and paid equal wages for work of equal value. It won't be an easy task to eliminate archaic, antiquated, and irresponsible attitudes which have prevented that vision so far. Governments will have to place a significant priority on eliminating the social and economic barriers which exist. In order to ensure women claim their rightful place as full partners in society, governments must provide quality and qualified 24-hour, nonprofit child care centres. We don't need to provide arguments to defend this statement; the need is well known by governments at all levels. Governments must also challenge those who promote violence against women as acceptable behaviour both in the home and in the video stands. It must work with legitimate and progressive women's organizations such as NAC, the National Action Committee on the Status of Women, and ASWAC, the Alberta Status of Women Action Committee, to seek solutions to the identified barriers women face and to implement those solutions. Governments must set an example and recognize the worth of the contributions of women both in the workplace and in society. These contributions must no longer be trivialized and must receive respect and fair financial compensation. Governments must also recognize the inalienable right of women to control their own bodies and their own destiny. Elected officials must consciously work to conquer their own deep-rooted biases and then proceed to work with women for social, economic, and political justice. That work must begin now.

In the process of reassessing and re-evaluating social norms, we must also redefine our understanding of the history of Canada. The myth that Canada was founded by two peoples, the English and French, must be exposed once and for all. It is time to remember a group of people who waited on the shores of this continent to greet the Europeans, who shared with them, guided them, and taught them the skills needed to survive in this new world. The Europeans expressed their gratitude by seizing their lands, trivializing their customs and way of life, and trying to force European perspectives, values, and priorities on them. Once we redefine our past, it will be easier to redefine our view of the future. No discussion on the future of Canada can take place without the direct input of our first peoples. They have been ignored far too long, and we have all suffered as a result. The multicultural nature and ethnic diversity of this country is one of our greatest strengths and assets. Our Constitution should recognize and celebrate that fact. The cultures and perspectives of the people who have made this country home offer us exciting possibilities and provide us with an opportunity to become a more tolerant, generous, and enlightened society.

It should also be useful to assist us in evaluating the global economic strategy which this federal government is pursuing. Instead of viewing trade purely on an economic basis, our governments should be concerned about the effects and ramifications of trade deals on people. We vehemently oppose economic policies such as the free trade agreement and now the trilateral free trade agreement between Canada, the U.S.A., and Mexico, especially when such agreements are made in isolation from social concerns. We have seen the devastating effects of the existing accord in two very short years: thousands of jobs lost, plant closures, depressed communities, and industries relocating to areas where climates are warmer and there are fewer restrictions on exploiting people and the environment. This government will be guilty of treason if it fails to negotiate a social charter in conjunction with any trade agreement. We can't succumb to the corporate vision of a North American assembly line where Canadians are forced to sacrifice precious natural resources, where Mexican men, women, and children are forced to sacrifice their health, safety, and dignity in virtual slave labour processing those materials, and which allows a few American distributors to get rich flogging products on behalf of the foreign companies which control the whole process. No elected government has the right to allow that scenario. If Canada is to survive politically, it must maintain its economic and social sovereignty. There is no future for Canadians if our government allows people to be manipulated by the corporate agenda, and there is no honour for Canadians if our governments enter into agreements allowing exploitation of our partners.

4:32

Canada means many things to many people. It is an evolving nation with old wounds to heal and new visions to consider. It is our contention that the elected representatives who have the task of redefining Canada can't do this adequately if they do not have the trust of the people. There is no room for tossing the dice or treating this process as a game or a power struggle between nation and provinces.

Canada is more than just an economic union of provinces; it is an emotional union of people. It was built on the blood and sweat, joy and sorrow of generations of women and men who carved their places into the landscape and into our history. If we are to continue that building process, it must be done in an atmosphere of respect for the needs and aspirations of our citizens. We can't resort to the old standbys of force, dominance, or intimidation to hold this country together. Canada must become a country where all people can feel they belong, a place they can all call home.

Thank you.

MR. CHAIRMAN: Thank you for your presentation.

Yes, John.

MR. McINNIS: I'd like to thank Anne and Cindy for their comprehensive presentation. It covers a lot of ground. I don't have a question, but perhaps an observation.

I think it's appropriate the way you linked the social charter to trade deals with Canada and Mexico. As I understand it, the origin of the concept of the European social charter arose with the rise of the European Economic Community. The member countries wanted to be sure that the lowering of trade barriers wouldn't be used to trade one country off against the other in terms of environmental standards, wage protection, and the rest of it, so they put the charter in place to try to prevent that as a consequence of the trade arrangements within Europe. I think it's appropriate that you put it that way in the Canadian context. We have entered a trade deal with the United States and may very well with Mexico, and we face problems similar to what Europeans did before they decided on the social charter as a means of alleviating it. That's really just a comment.

MS WILSON: Oh, thank you.

MR. CHAIRMAN: Thank you very much.

Sheldon, I don't suppose you have to ask your question of this witness.

MR. CHUMIR: I don't know.

MR. CHAIRMAN: Thank you very much for coming on behalf of your colleague.

Ted Matthews. Welcome.

MR. MATTHEWS: Mr. Chairman, thank you for inviting me back. It was very kind of you. The last time I was here was on June 1. That was the day you left early for your daughter's party. I hope it was successful.

MR. CHAIRMAN: It's always interesting to see high school graduations.

MR. MATTHEWS: It reminds us of how lucky we are that we got through when we did, doesn't it?

MR. CHAIRMAN: Definitely, and got into law school when we did too. Right, Sheldon?

MR. MATTHEWS: Well, I didn't get into law school like Sheldon, and I guess that's why I'm here and he's there.

I would like to follow up on my remarks that unfortunately you were absent from, and your colleagues were also precluded by time constraints from discussing them with me. Unlike other remarks I have heard since I have been here – people are telling you what to do, what to put in, how to do it and everything – my approach is totally different. My approach says that this constitutional process we're talking about is a very exciting thing, a very dynamic thing, and it is the opinion of this presenter that we all have the right to vote on it. Not just you people here, not just the people in Ottawa, but every Albertan has the right to vote on it.

Now, I'll discuss the summary format and then go into the text of remarks I made on June 1. The reason for everyone having the right to vote is that we have three senior Ottawa representatives in this province: Mazankowski, Clark, Andre. Each one of these three – this was written up in the paper – has a pension of over 2 and a half million dollars. That's an astronomical amount of money. Those people obviously are affected by that, because it's the biggest asset they've got if they kept their hands clean. I see this as a tremendous conflict of interest. I also see with these three important men in Ottawa that Andre, who's my member – he overlaps you, Sheldon – doesn't live in Alberta, doesn't have any money invested here, doesn't have a house, doesn't have anything. How can he represent us? You go home to your people; you go up to Edmonton. It's a job. It means you have two places to live. I mean, that's the job. I don't know where Clark fits in this thing. I know Mazankowski does come home. But those are important factors. Do you come home? Do you see your people? Do you see what's happening? It's a tough part of the job. It's a hell of a lot easier to sit in Edmonton and not do it.

The second point I raise, looking at provincial biases, is that the Alberta Legislature does not have equal representation for all Albertans. For example, one rural vote equals two urban votes more or less. I might be out by 5 percent. The effect is that a city candidate that can't get elected can be resurrected and elected in a rural area. There's a bias there. You say you represent Albertans; you represent them differently.

I'm going to talk briefly now about my paper. I tried to structure my paper with two views: what's happened to Canada in the last while, and how does Alberta fit into Canada? In the latter one, how Alberta fits into Canada, a specific thing just shocked and amazed me: if you pull out the numbers from the federal/provincial transfer payments, you find in applying an interest criteria that each Albertan has paid over $250,000 more to Canada than other Canadians have. That's a quarter of a million dollars. Now, to you guys that might not mean a lot, but to me it does. I see it as saying . . . The average home in this province is about a hundred thousand bucks. They've got a mortgage on it – most of them do – and here they could own their own homes and own a lot more. There's been a quarter of a million dollars sucked out of here to Ottawa to be spread as Ottawa sees fit. I also see as an effect against Albertans laws that preclude Albertans from high-priced, high-paid civil service jobs, the action of the government of Ottawa.

If you would like, I'll pass these out to you. Or do you want to . . .

MR. CHAIRMAN: Garry will pass them out.

MR. MATTHEWS: Okay. Thank you very much. The date is wrong. I apologize for that.

Canada. Why did the government of Canada not send an army to support the United Nations' actions in Kuwait? Does the government of Canada plan to use the army only against citizens of Canada? Why does the same automobile sell in the United States for $20,000 and in Canada for $30,000? Why do Canadians living adjacent to the border shop outside Canada? Does this action confirm that Canada is not viable? All you have to do is get down to southern Ontario or southern Quebec and watch the border points to see the lineups there; it's amazing. Why has Canada fallen from the world's second position in gross domestic production per head in 1970, after the United States, to ninth? Now, we're talking 1970 and 1991. In 1988, eighteen years, we were number two in the world. Now we are number nine. Isn't that shocking? We're talking about Canada.

Let's look at what we're talking about, who we're getting in bed with and why we're getting in bed with them. The statistics follow how I did that. If we turn to page 4, Alberta in Canada, there are some interesting facts.

Mr. Horsman, you were talking of your daughter going on to university. Wonderful. Why do children in Alberta have a significantly lower chance of attending university vis-à-vis other children in Ontario and in Canada? That's a statistic. Why? Why are twice as many Albertans incarcerated per capita? That's a shocking statistic. Why? Why does life expectancy in Alberta, in spite of government medical programs, provide no significant advantage vis-à-vis the American experience? Interesting. You'd think medicare would improve the quality of health and subsequently you'd live longer. It doesn't.

4:42

Why did the government of Canada remove the Canadian Broadcasting Corporation's operations from Calgary? Did the government take the same action throughout Canada? Of course not. Why did the government of Canada eliminate rail service in Calgary? These origins stimulated the development of this area. Did the government take the same actions throughout Canada? No.

Why have six deaths of citizens of Alberta been caused by action of the police of Canada? Why have the people responsible been protected by the laws of the government of Canada and the secret appointees of the government of Canada? This is a shocking comparison between the Los Angeles police investigation directed only at an alleged beating of a motorist not involving the loss of lives.

What action did the federal government take to provide employment for Albertans and to compensate them for the discriminatory bilingual, bicultural rules? Are Albertans charged less by the government of Canada because of a lower quality of life? No. Albertans have been especially taxed $243,102, about a quarter of a million dollars, per person more than other Canadians in the last 30 years.

Subsequently, it follows that we're dealing with Canada, a country that's declining. That's page 8. It also follows that Albertans have an inferior relationship to other Canadians. Therefore, we demand that you and your government bring to us, the citizens of Alberta, any proposed agreement between Alberta and Canada for every Albertan to evaluate and to approve by a vote in the same procedure as utilized for approving our original elected Senator. We have a precedent on this. This vote would offer Albertans the same democratic right that the province of Quebec is offering its citizens. This vote is required, as no one little group has the right to commit the lives of the citizens of Alberta.

MR. CHAIRMAN: Thank you very much, Ted. You've been following the committee, and you've heard presentations just before you that we need a strong central government and that the federal government is the government that should be setting the priorities for health, education, all these things. Would that be your view, or would you have a different perspective?

MR. MATTHEWS: My view very simply, sir, is to ask every Albertan to vote on what kind of a deal you can get, and we either approve it together or it's not approved.

MR. CHAIRMAN: We're asking Albertans to tell us what they think at this stage so that when we do go to negotiate a deal with the rest of Canada, we know what Albertans are thinking. We're being told on one hand that we should negotiate a deal whereby the federal government has overriding powers on the provinces relative to education, health care, social services, and those things. Now, if you were going to give us advice on what to do, what is it?

MR. MATTHEWS: Well, my advice to you is: bring it back, whatever deal you have, to the people, and let the people tell you at that time what they want.

MR. CHAIRMAN: So you're not going to tell us now what you think should be done.

MR. MATTHEWS: That was not the purpose of my paper.

MR. CHAIRMAN: So we're supposed to go out there into a vacuum, in a sense.

MR. MATTHEWS: You're supposed to go out there and use your common sense that got you elected and use your vision of the society you wish your children to have, and bring us back a deal. If the deal flies, you've got a deal; if it doesn't, it doesn't.

MR. CHAIRMAN: Okay. Well, that's one way of looking at it.

Yes, John.

MR. McINNIS: I have one question just about the mechanics of that. If you say that a deal should come back to Alberta for a vote in a referendum and not be approved or agreed to unless a majority supports it, would it be logical to say that you would support providing that for every province so that each one individually would have the right to a referendum?

MR. MATTHEWS: I'm not interested in the other provinces, Mr. McInnis; I'm only interested in Alberta. I'm interested in where I sit, and I'm saying that this is what I believe is critical to be done for Albertans.

MR. McINNIS: Well, let me put the question a different way then. Are you saying that Albertans, through the referendum, should have the right of veto of any new constitutional deal?

MR. MATTHEWS: I'm saying they have the right to approve it or not approve it.

MR. McINNIS: And if they don't approve it, it doesn't go ahead?

MR. MATTHEWS: It doesn't go ahead. Simple.

MR. CHAIRMAN: Pearl.

MS CALAHASEN: From what I gather on what you were saying on Alberta in Canada, the questions you've brought out seem to indicate that you're really not a strong centralist believer of the federal government having all control over things that happen. When I look at the incarceration issue, the children attending university, the elimination of rail service and how the government of Canada did that without any kind of direction from Alberta or at least Alberta having some say in what happens in those services – is that what I'm reading into what you're asking here?

MR. MATTHEWS: What you're reading into – what I was trying to show you was saying: this is the status when people run around and wave the flag and say, "Isn't it wonderful?" I'm saying: hey, this is what Canada means to you as an Albertan; if you're living in Toronto or you're living in Montreal, it does not mean this; it's totally a different scene. Now, whether it's a system of the people we have representing us or the people who are secretly appointed, I don't know. I'm saying: this is what we have today; when you're looking at your framework, where do we go?

MS CALAHASEN: You're saying, then, that we should look at a different way of what presently exists?

MR. MATTHEWS: That's right. I'm saying that that's not good enough.

MS CALAHASEN: Regarding the spending powers of the federal government, should they have all the say in terms of what happens, in terms of what they spend on Canada, or should that be delegated to provinces or various services delegated to decision-making within the provinces?

MR. MATTHEWS: Ms Calahasen – is that how you pronounce it?

MS CALAHASEN: Calahasen.

MR. MATTHEWS: Ms Calahasen, the world changed after I wrote this. I never believed I would see the U.S.S.R. collapse. What I think you will see will be a Quebec vote, and you'll see Canada collapsing. Then I'm saying that the best government is our own government to run our own show. That's the way I see the world unfolding. I'm not trying to convince you it's going to happen; I'm just going to say that there are precedents. If any of you sitting around this table thought that Gorbachev would be kidnapped, thought that the sovereign states of the U.S.S.R. would break away, you're much more clairvoyant than I am.

MS CALAHASEN: Thank you.

MR. CHAIRMAN: Okay; thank you very much, Ted, for your presentation.

MR. MATTHEWS: Well, thank you for listening to me. I hope it gave you some insight. It's very hard to find out what the people want. The only way I think this time is to give them a vote. Thank you again, and it's nice to see my member out working.

MR. CHUMIR: It happens from time to time.

MR. CHAIRMAN: Rebecca Aizenman. Is that the correct pronunciation?

MISS AIZENMAN: Yes, you did very well.

MR. CHAIRMAN: Thank you. Welcome.

MISS AIZENMAN: Thank you.

Firstly, thank you for the opportunity to allow an individual to participate in these forums. I was very grateful to be accepted at the last hearing, because I think the way to go is the way that you're going, members of the commission. It gives each of us who are interested an opportunity to present in a very direct form what we believe should be part of the discussion on constitutional change. I find it rather significant that today marks the 15th month birthday since the death of Meech Lake, and tomorrow marks the beginning of another era in Canada.

I have approached my presentation to you more or less as an interested layman, as a person who is very keenly interested in what happens in my country. Some people have baseball, football, and hockey as their hobby; mine is politics. I'm a news nut; I'm a news freak. I have attempted to present my own synopsis of what I think you should be looking at without borrowing from other sources, although much of what happens in the news does affect my presentation.

I find it remarkable that in the three years preceding Confederation, from 1864 to 1867, it took only three years to get a deal. I always marvel at what happened at the Charlottetown conference, at the Quebec conference, and for whatever external reasons or internal reasons affecting Canada, come July 1, 1867, we had a Constitution for Canada. A great country was born. I always marvel at the way in which George-Etienne Cartier and Sir John A. Macdonald worked together to put Canada together for us.

4:52

I was not around in 1931, when the Statute of Westminster allowed Canadians to take the first step to constitutional patriation, but I do remember the events of 1970 very vividly. I lived through them. I remember November 15, 1976, when the Parti Québécois was elected. I haven't forgotten that; I have not forgotten too many of the headlines and the excitement and the emotion with which Lévesque addressed this country. I remember the attempts of the federal government, with provincial input, to patriate the Constitution. I recall the events of November 1981. I recall the Queen signing our newly patriated Constitution of April '82. I remember 1987 and the beginning of Meech Lake, and we all watched the events unfold in 1990. It is now 1991, and we're going at it again.

To some extent some of my remarks were affected by a newly arrived publication on the Canadian scene, *Deconfederation*. I took the opportunity to read through it in the last few days. Regardless of one's beliefs, regardless of one's points of view, I recommend that members of this commission take time to read it. It is a very succinct statement of where our energies as Canadians have gone. It is one of the most outstanding summaries of Canadian history that I have come across. It should be in every Canadian household even if you have to abstract it, because Dr. Bercuson very clearly and to the point illustrates the relationship between Canada and Quebec, the relationship between Quebec and Canada.

I've approach my remarks to you on the basis of a definition of a Constitution. According to the *Encyclopaedia Britannica* a Constitution is a set "of doctrines and practices that form the fundamental organizing principle of a . . . state." It is "the whole scheme whereby a country is governed"; involved is "much else besides law." I consulted our recent publication, the Hurtig *Canadian Encyclopedia*. A Constitution was defined as "the system of laws and conventions by which a state governs itself; the basic law of a country; the law of laws."

I wish to present some different items to you from my perspective. I approach it from the kind of government that we have in the country with respect to organization and structure. I was very much affected by a comment made by Professor Desmond Morton on a channel 26 program about six months ago. He referred to my country as a constitutional dictatorship or a democratic dictatorship. On two occasions I have seen the term used in the *Financial Post*. It affected me so much that I clipped the letter, and I sort of keep it in my daybook. According to my *Webster's* dictionary a democracy is "government by the people" either directly or through representatives; a country with such government and equality of rights, opportunity, and treatment. To quote from the writer: under the current Tory regime, which I class somewhere below a benevolent dictatorship, neither of the three characteristics applies.

I'm very saddened by the way our system works to some extent, and if you're going to input in changing the Constitution, let's get away from the large conceptual areas; let's get away from the emotionalism of Canada, to which I will return though. I'd like to see some nuts and bolts looked at, please. If free trade is the panacea to our economic problems and our place in the new world game of global competitiveness – and we seem to be very, very chummy with the United States as conditions suit us – let us intelligently and objectively borrow from the American Constitution.

I took the time to skim through the Constitution looking for relevant parts to uphold my point of view; I looked at the 1867 Constitution of Canada and the 1981 edition. My concerns are simple. I would like to see a set term for our system. I would like to see a set term of office, be it four years, be it five years, instead of our term of office going by tradition at the whim of the Prime Minister with respect to where he stands in public opinion polls, and albeit the parliamentary system depends on upholding responsible government. I think it would do the committee a world of good to look at a set term for our system. I can remember in 1979 when the election date was stretched to the limit, and I get the feeling that the present Prime Minister proposes to do the same. We saw it happen at the provincial level in British Columbia and Saskatchewan.

I would like to see a set term written into the Constitution. I'm not going to get into a debate over the parliamentary system versus the presidential system. Let us have a set term. I think that would restore some responsibility to government, because we as taxpayers would not see goodies being handed out to us, starting now, just two or three years before the next election. The Americans may do it, but consider the structure that would result if the term of office were stated in the Constitution. Why is it that the Americans can have their election for the President in November in virtually every year that is a leap year? Let us limit a term of office, and while we're at it, why don't we limit the term of the Prime Minister: two terms as in amendment 22, section 1 of the American Constitution? I'm only borrowing what I think is good and what is comprehensible to me based on how I see our institution of Parliament function.

If the Constitution is going to be changed to take in so many of the features that I had the privilege of hearing just as I came in this afternoon, let us look at structure and organization. If you limited the Prime Minister to X number of terms – I use two because that is the American model; I'm not familiar with the French or West German models – it would give people a chance to restore their faith in leadership. No one is perfect; even Churchill had his bad years. And at the appropriate time he could come back.

I would like to see the process of recall instituted in our Canadian system. I think our present system is rather ineffective, where somebody is elected, be it to the provincial government or the federal government, and unless you have a very well-organized, responsive Member of Parliament or MLA: goodbye, MP; I never see you again. The gentleman who presented prior to me alluded to that condition. I would like to see my MP accountable for what he or she does. I don't think it's enough to say: well, I'm off to Ottawa or I'm off to Edmonton; see you in four or five years. I want accountability, however that can be defined, however that can be structured, written into the Constitution. I ask for accountability so that faith and integrity and respect are reintroduced to Canada and there is respect for our institution of Parliament. It is not there at the present time.

I would like to see parliamentary behaviour and decorum constitutionalized. Those of us who are fortunate to have channel 27 showing parliamentary debates during the course of the day watch in horror at question period. I watch some of the debates, and I base my comments on a plea to restore dignity and respect to the institution of Parliament. Name-calling is not acceptable in a constitutional parliamentary process. Sending paper airplanes across the floor is not acceptable. Telling people to sit up and behave themselves, as I understand had to happen in our own Chamber in Edmonton, is not acceptable either. I base my comment on a situation that did develop in the House in Edmonton. I feel that parliamentary decorum and behaviour has to be constitutionalized however it is done so that once again the institution of making laws for our country is restored in the eyes of the public. Politicians have very low ratings. They have lower ratings than the worst TV show. The TV show is canceled; our MPs continue to be there. The incident last week speaks for itself. I can't see anything strong enough to restore the way Parliament should conduct itself.

5:02

I would like to see the use of a free vote. I would like to see private members' Bills passed. I watched the introduction of an interesting private members' Bill last week, and he was pooh-poohed: "Well, we can't do that; we can't do that." The man had done his homework well. He delivered it in a very exciting manner, and because it was a private member's Bill it went nowhere.

I would like to see a de-emphasis on partisan politics to make the system work, be it at the provincial level, be it at the federal level. Just because you come from the other side doesn't mean that you can't have input. Why are some opposition amendments continually defeated? I'm not talking in the case of an amendment to the budget to defeat the government. Many a time there is an amendment to a Bill which would give it a more positive flavour, but no, because you're the opposition, you can't input. The present scheme makes for an ineffective Parliament.

I would like to see some referendums carried out. I would like to see the use of a direct vote as the case may be. I'm a great believer in direct representation, in direct democracy; hence I welcome the opportunity to present my views to you in person instead of having to go through a political party process, getting to my MP, who is virtually nonexistent, or making contact with whomever. I see no reason why we can't have a vote on some of the issues of the day, and if it came to Quebec leaving Canada, if it came to us having to approve of a new Constitution, why not? Certainly the details would have to be worked out, but at least this way you would restore democracy to the people; you would restore their faith in the system.

I would like to deal with the distribution of powers. I, like many other Canadians, am a strong believer in the federation of Canada. I believe in a strong central government with appropriate powers to the individual provinces. I believe there is need to change as conditions in the world change. It is now 1991; it's not 1867. I understand the need to update the Constitution but not at the expense of making the provinces more powerful, more potent than the central government. I vaguely recall from my few American history classes that one of the reasons for the civil war was the states versus the federal government. It had to do with too many strong powers being granted to the state governments. I do not want to see that happening in Canada. I want a strong federal government. Canada is an expression of synergy, to use a Buckminster Fuller term. Canada is more than the sum total of its parts. Canada is more than the 10 provincial governments and our administrative governments in the Northwest Territories and Yukon. I want the federation to continue with a strong central government, because that is Canada. That gives the backbone and the structure to Canada. I do not want to see poorer provinces not getting their equal share of powers when they're distributed or the stronger provinces using those powers should you deconfederate Canada. I use the term to mean to take away powers from the federal government.

Any polls that I have had access to by way of information in the national media show a strong support for a federal system with only the necessary powers being devolved to the provincial level. I pay taxes to the federal government. I want it to maintain the institutions that, to me, are Canadian. I strongly believe that a decentralized approach to the sharing and redistribution of powers will result in a patchwork quilt where the quality of life, the quality of government, the quality of perception will be very state oriented, provincially oriented. It will make for very poor feelings between the provinces in this country.

I can understand why Quebec wants cultural powers to preserve her identity. I could understand why Alberta was upset with the national energy policy some 10 years ago, but at the same time I do not wish the powers in sections 92 and 91 of the present Canada Act to be so distributed that Ottawa is merely reduced to housekeeping. I got the sense that that is what it would be from one of the reports that was submitted to it this January.

Oddly enough, because there has been discussion of education, I note with interest that the Council of Ministers of Education is meeting today. This is a bias of mine. I would not like to see education made into a federal responsibility, at least to grade 12. They are responsible for funding at the postsecondary level. Even though the Americans have a federal state office of education, I would not want to see that happening in Canada for the simple reason that all you would do is begin the construction of another bureaucracy. It would make for a great deal of employment for unemployed doctoral students in education and the like. I think education is very close to people within their provinces. It needs improvement provincially, but let's just improve it. Let's not mess around with it, because I think we could create more difficulties for ourselves than we have. We can't agree on national testing. Some of the provinces are in; some of the provinces are out. Let us leave that alone.

I would like some institutions of Canada constitutionalized. By that I want to see them written into the Constitution. I want those institutions that give me my Canadian identity preserved and protected. You may disagree with me, but to me Canada is the CBC. Canada is the National Film Board. It is even the beautiful scenery of western Canada. I would hate to see something like the Banff Springs Hotel, God forbid, even though it's under private ownership, sold off to foreigners. That which is Canadian, and it doesn't take much to elicit that response from anyone, keep that Canadian. I'm not going to get into the free trade debate. I'm not going to get into economic prerogatives of federal/provincial trade agreements. Other people, probably more qualified than I, have, I'm sure, addressed those issues.

I want all those institutions that make us Canadian and distinct from the Americans, at least in makeup and character and culture, constitutionalized. You could add multiculturalism to that list and, above all, medicare. When I came up with the idea, probably affected by much of what I was reading, Bob Rae's submission of a social charter being included in the new Constitution had not yet been published, but I stuck to medicare because that is ours; that is Canadian. I wouldn't want to see that destroyed. There may be some shuffling of funds, there has to be an examination of how funds are spent, but keep it federal. Don't let another bureaucracy develop where medicare becomes a two-tiered system as we were almost going to have it done a few years ago in Alberta. I was very involved in that situation. Let us keep it as a federal program.

I am in agreement that a social charter, however that is defined – albeit it needs, I believe, a great deal more discussion – be included in the revised Constitution. I believe that is an area that requires extensive discussion. I don't think one can go by a singular model that the Premier of Ontario has presented. I think Canadians, once they understood the idea, as we now do the Charter of Rights, would be in agreement.

5:12

You've heard a great many submissions on an elected Senate. We seem to zero in on the elected Senate as another panacea to our problems: "It will solve all our problems, and as long as we get it into the Constitution, wonderful. That's all we need." Making it effective by giving it more legislative power: perhaps. I have difficulty with: how are you going to make it equal? Are you going to give each province two representatives, as is the case in the American Senate? Or are you going to give Prince Edward Island and Ontario and Alberta and B.C. the same number of representatives? If you're going to do it by a geographical region, what's the difference between that and the way in which it's presently constituted, with amendments, to make up 104 people in the Senate? I'm not talking about the stacking that occurred last year. What criteria will you use to have an equal Senate? Will it be a regional number? Will it be a provincial number? Will it be based on proportional representation? I think we're gliding over the issue of an elected Senate too quickly, thinking that will solve our problem.

I would again suggest to you that our parliamentary institution – at least the House of Commons and what it stands for: the laws of Canada, the passage of such laws through the House of Commons – without the disagreeable tactics that we saw last spring in the upper House, would work. Government would be more effective if we got rid of partisan politics. If it has to be legislated, so be it. To me, that's the reason why people want an elected Senate: they're tired of seeing the nonsense in the House of Commons, so if you elect the Senate, it will be better up there. I am not so certain.

I have left the most controversial item, from my point of view, to the end of my submission. It will create a great deal of controversy. I have spent a great deal of time thinking about it. I attempted to familiarize myself as best I could as a layman. I'm not a constitutional expert; I'm not a lawyer. I'm just a concerned Canadian. I have watched with interest and sadness the discussion on the D word in our Canadian society, the "distinct" society. Thursday night and, I believe, last night it was leaked to the media that there would be a distinct society type of clause in the new Constitution. With regret, I cannot go along with the use of that term. The concept may be different, but the term is so tainted now that it raises one's emotions. It has a strict meaning as it was developed from the days when Meech Lake was born. Most of us had to figure out what it meant. It's simple: Quebeckers want to preserve that which was preserved by the 1774 Quebec Act.

So we lost Meech Lake. We're going through Meech Lake again. I heard it on the news last night. I can hardly wait to hear the discussion on it: that we will enshrine that which means distinct society in various parts of the Constitution and in the Charter. The term is loaded. Already this morning polls had shown that two out of every three Canadians were opposed to the use of that term. I recognize the historical place of Quebec in Canada. I recognize the place of aboriginals in Canada. I recognize the place of other people in Canada.

I cannot understand why this is one of the few bargaining chips on the table: either we have it in the Constitution or we don't and then bon voyage. I don't think it should be that way. If you enshrine – I use the word "enshrine"; maybe I should use the word "constitutionalize," which to me means writing it in. If you do that to Quebec, what about other groups in the rest of the country? There are 750,000 Ukrainians on the Prairies. Are they no more or no less distinct than another part of our Canada? There is a large number of Chinese, Oriental people who helped found the lower region, who helped to develop and settle it. I refer to British Columbia. They were responsible for the building of our railway in western Canada. What special acknowledgment do they wish? It goes on and on. I think there is a way of accommodating Quebec but not in those terms.

To go to the other end of the scale, why is she so insistent upon this clause? Personally, I abhorred the notwithstanding clause being used – or was it the override clause? – when the Supreme Court of Canada ruled that Bill 101 was illegal and Bill 178 was instituted in Quebec. I find it very hard to rationally accept Bill 178. I think that was an emotional piece of legislation. I don't know what I would do if I lived in Quebec and if English were my native tongue and it was virtually outlawed. I think I would do like other people have done: I would leave the province. There has to be give and take. Why would you outlaw the use of English as a language for signs? Why would you outlaw the use of it at one time in the playground yet you insist that I be recognized as distinct? We are all equal; we are all parts of Canada. Simple as it may sound: live and let live. I think that area still has to be looked at.

If I may go in another direction, I come back to this text. As I understand it, the central argument of this text is that far too many energies in the history of Canada, far too much time has been spent accommodating the desires and wishes of Quebec. I thought Quebec was there; I thought she was part of my country. I understand some of her history. I am not bilingual, with regret. When I read about it being presented in these terms, it really makes me stop and think. How much more time will we spend on revamping and revamping, redoing and redoing, and hearing and hearing efforts into a Constitution when there are other concerns in this country that need immediate attention such as our economic matters, unemployment, poverty, illiteracy, job retraining. We're still busy building a Constitution.

It's a strong thing to say, but it amazes me that when some African countries became independent in the 1960s and '70s, for better or for worse they had a Constitution. We're still working on ours. I realize it's an evolutionary process, but nobody has been able to explain to me why the American system works. They did it up in 1787. They added a number of amendments. It works. We now have to rewrite ours, change the framework. Or are we redoing it because it's a silent expression of partisan politics? I often wonder what the committees that were struck after the death of Meech Lake so that we can deal with the issue have cost the taxpayers. I welcome the opportunity to have my own individual input, but to go to the extreme . . . Hopefully we will not have gone overboard.

I will not refer to the need for a constituent assembly. I would just like to summarize the salient points of my presentation because I did not prepare a written submission. I felt I could make my points far more effectively as I have done. I would like to see a set term of office, a limited term, for the Prime Minister. I would like recall written into the Constitution. I would like parliamentary behaviour and decorum constitutionalized. I would like procedures in the House of Commons as separate from Acts of Parliament governing the Act of Parliament, the actions of Parliament, or whatever they call it. I want to see free votes. I want proper allowance and proper procedures, the proper accepted legislative procedure for the passage of private members' Bills, and channels opened up for effective input of the opposition.

I want the federal idea of Canada to remain. I don't want you to give away all of section 91 to the provinces, because then all you do is make the provinces little fiefdoms, little states; I don't want to see that. I want to see the very best, the most excellent of our institutions set up in such a way on paper that they remain part of Canada to remind us that we're Canadians. I would like to see a referendum to allow for a direct vote on such matters as accepting a Constitution. If necessary, let there be referenda on more emotional issues like capital punishment. Once and for all, let's get it out of the way. I think more important are more cerebral matters that would require a referendum, and in doing that, it would require that people become more educated to the constitutional parliamentary process. If you're going to vote on something, you'd better know what it is. I think it's a better way of making people aware of what's happening. Nobody knew what Meech Lake was until January of 1990. When all the discussion started, it was a hot item.

I will not repeat my comments on the distinct society. I'm in favour of including aboriginal rights in the Constitution. I'm in favour of maintaining or stating that multiculturalism is a basic characteristic of Canada. It built Canada. I want to see a Constitution that will keep my country together. On July 1, 2001, I still want to be present for celebrations of Canada Day.

5:22

MR. CHAIRMAN: Thank you very much. I think the length of your presentation has precluded any opportunity for us to have any dialogue, but you've certainly stated your position very clearly on a number of major issues. I thank you very much for your appearance today. I'm sure you'll be following with interest the balance of our discussions as a committee and, furthermore, the discussions we will be having with the federal select committee when it visits Alberta and the discussions that are being proposed by the Premiers for all the provincial commissions to meet and discuss amongst us the future of the country. Thank you very much.

We're adjourned until 7 o'clock.

[The committee adjourned at 5:23 p.m.]

7:05 p.m. **Monday, September 23, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, we'd like to reconvene. I'd ask the panel members to join us.

We are into the third session today of presenters for this panel of the select committee. I'm Jim Horsman. I'm the chairman and the MLA for Medicine Hat. I'll just quickly ask my colleagues to introduce themselves, starting with Sheldon, our host in his constituency.

MR. CHUMIR: Sheldon Chumir. My thunder has been stolen. This is my constituency, and welcome to everybody here.

MS BARRETT: Pam Barrett, from Edmonton. My riding is an inner-city riding.

MR. ROSTAD: Ken Rostad, Camrose constituency.

MR. McINNIS: John McInnis. I represent Edmonton-Jasper Place, home of the world famous West Edmonton Mall.

MR. DAY: Stockwell Day, representing Red Deer-North.

MR. SEVERTSON: Gary Severtson, representing Innisfail.

MS CALAHASEN: Pearl Calahasen, representing Lesser Slave Lake.

MR. CHAIRMAN: Okay. Our first presenter is Peter Aubry. Peter appeared before the other panel on May 24. Good to have you back.

MR. AUBRY: Mr. Chairman, members of the committee, I'm here this evening as a private citizen. I'm not here to represent any special interest group; I'm here because I'm passionately in love with my country, a sincere love and a true love.

During this past summer six of us, all ordinary Albertans, held our own constitutional debate. Our objective was to discuss ways and means by which our Canada will remain one country. It was a trying committee in that we recognize the complex nature of this country. However, we also recognize that in the past the common people were never consulted in constitutional matters. I guess the best example of that is the amending formula, which was basically decided upon by the elitist. The term "elitist" is not meant as a derogatory term, but in fact politicians are elitists. This consultation is changing, and if listened to by the politicians, the ordinary Canadian perhaps has the nonpartisan solutions to the survival of this country.

On September 13 I took the time to attend Jacques Parizeau's presentation to this committee. I was distraught to witness his enthusiasm when outlining his commitment to take Quebec out of Canada. This pompous, arrogant person will tell half-truths to anyone who will listen in order to benefit himself and the hordes of bêtes puantes clinging to his coattails. He sincerely believes there are two gods. We as Canadians must ensure that his lust for power fails. We must ensure that the ordinary people of Quebec are aware of who will suffer if Quebec separates. Parizeau and his cronies will not suffer. The average working class Quebecois will carry the load.

I had the privilege of working in Quebec, not just in the city of Montreal but in northern Quebec, helping the illiterate young Quebecois who was so inquisitive about his country, helping that person learn to write, reading letters from his family, as well as helping him write to his family. This person without education was the true Canadien. These young people were anxious to see the rest of their country, Canada. These are not the people we see on television. These are not the people we read about in newspapers. We read about people like Parizeau. We listen to the academics, to those who will benefit by the separation of that province from this great country.

During recent years Canadians have witnessed the creation of several new political parties who also in their lust for power have all the answers. During the two days last week when I sat as an observer in these committees, I heard about the American dream Canadianized. No one talked about the American nightmare. No one mentioned the poor or the lack of care for the poor, the mentally ill living in the sewers and the subway tunnels, or the dismal attitude toward persons with disabilities. No one mentioned that these people were human, that these people deserved the opportunity to live like every other American. They never mentioned the runaway crime and violence, the drug abuse, the failure of companies, because of lust and greed, that the taxpayers have to bail out. They have all the answers because they've never had the opportunity to govern. They never mentioned how they would address the needs of the country, the needs of those in need.

We are looking at revising our Constitution. We have an opportunity to cherry-pick worldwide. We have an opportunity to pick the best areas of constitutions worldwide and come up with the best and fairest Constitution in the world.

7:15

Here are some conclusions we arrived at during our constitutional committee this past summer. These conclusions don't necessarily reflect the feelings of all the members of our committee; a lot of them are my own. We want a unified Canada. We feel that unity will not be preserved unless major changes are made in the way the country is governed. Aboriginal issues must be settled fairly and soon, and we need a reformed Senate.

But first let me talk about tradition in this country and the cost of tradition. How much can we afford to pay for this tradition? Why do we have a Governor General? Why do we have a Lieutenant Governor? Why do we have these figureheads who are costing taxpayers millions of dollars when these dollars could be going to those in need? You will say, "Well, this is tradition." I say that these are modern times. These are times for thinking about fiscal responsibility. These are times to rid ourselves of figurehead status in this country. The Prime Minister or the Premier could handle and take the responsibility for this pomp and splendour.

The consensus is that governments need to give government back to the people. The system by which this country is governed needs a transfusion. A nation that believes changes cannot be made is a nation that is doomed. In order to achieve this change, we need two major changes and we need them quickly. Number one, we need to decrease the power of the Prime Minister and the Premier of each province with regard to appointments to the judiciary and cabinet, and I'll get to the cabinet later on. It's awesome for me to accept that any one person can have that much power, that any one person is intelligent enough, is selective enough, and has the quality of selection as much as the Prime Minister or a Premier has. Basically, it's my way or the doorway. Actually, if you think about that, that's the dinosaur thinking. That's thinking that doesn't reflect on the changes happening today in this world.

"Power" is a word we hear in this country that actually sickens me. The power this, the power that. Really, I'm the power; the people in this room are the power. I think it's time that elected people, who take on such a massive responsibility of representing the people, represent the people – and not just at election time; people want representation and accountability during the time a government is sitting.

The most important change that I feel and most of my colleagues feel is required is the elimination of party discipline. Every elected representative of any government or any party in opposition should be required to vote according to their constituents' wishes. This is true democracy. There would have to be a provision that a government is not defeated but a particular Bill goes back for a workover.

You talk about caucus. When I sat here last week, I heard everyone saying: "Caucus is great. We argue. We fight. We scream. We shout." Then all 60 or 70 or 160 of you come out of a caucus meeting and vote yea or nay. That, committee members, is not true democracy. That is not representing the people you are elected to represent during a term of office. Canadians are insisting on accountability from their elected representatives. Democracy is more than an election every four or five years. Caucus does not work anymore. It is wrong for any government to say, "If you do not like what we are doing, vote us out at the next election." The message I hear in this great country is that people want accountability, and you cannot have accountability with caucus. I challenge any of you to say otherwise.

The last point with regard to reform of government has to do with Senate reform. Anyone in this country who thinks the triple E Senate is going to be achieved is very naive. I would love to see a triple E Senate. I'm pro triple E Senate. But because of the word I used earlier, the word "power," anyone who thinks Ontario or Quebec is going to give up that power is very naive. The triple E Senate will not happen in my lifetime. Provincial governments will not let the triple E Senate happen. What we've been hearing recently from the federal government is that you will get your elected Senate. That's wonderful. What I want is an equal voice in this country from province to province, whether it's Prince Edward Island or Ontario. That to me is true democracy. To have just an elected Senate changes nothing. The power still remains in Ontario and Quebec, and that's wrong.

This province, this provincial government, has taken a very definite stand on the triple E Senate, and I'm pleased with that. I hope that continues. But one must remember that failure is not always fatal. We must continue to fight for the rights of all persons in this country.

My last comment has to do with aboriginal issues. We have listened and listened and listened for years and for decades about problems in the aboriginal communities. Governments present and past, federal and provincial, have been paying a lot of lip service to aboriginal issues. I think you realize that Canadian people more and more are insisting that these issues be removed from the hands of bureaucrats and put back in the hands of the Canadian people and their elected people. Give the aboriginal peoples the self-government they desire and deserve.

Je suis Canadien. Mon coeur saigne parce que mon Canada est en verge d'être détruit. O Canada, mon Canada, terre de nos aïeux.

Thank you.

7:25

MR. CHAIRMAN: Thank you very much, Peter, for your thoughtful presentation.

Any questions or comments? Yes, Sheldon.

MR. CHUMIR: Just briefly to ask Peter my standard question, which is so fundamental, and that is in relation to medicare and social programs. The current system is that the federal government sets minimum standards and enforces them through funding mechanisms. There has been some suggestion in some circles that the federal government should not be involved in those programs at all and these things should be done through the provinces. I was wondering whether you would give us your views on whether the federal government should be involved in that.

MR. AUBRY: I believe strongly that the federal government must be the leader in medical services. I say that because I think the federal government has a role to play which involves all Canadians. I think the federal government understands, perhaps better than we do, that there has to be a shift in moneys from institutional care to community support. I like that because I think that elected people like to see the physical structure with the cornerstone; the people who have to live with persons and help persons with disabilities understand what it is to have community support or lack of community support to help those persons. I don't know if that answered it.

MR. CHUMIR: And social programs similar?

MR. AUBRY: Same thing. I believe that the federal government, the centralist government, has to have the leading role in both medicare and social programs, but they also have to work very closely with provinces in that regard.

MR. CHAIRMAN: Thank you, Peter. I have to ask you this question, because in one area the federal government has had sole responsibility for health care, social services, and education since 1867, and that's for the aboriginal peoples of Canada. I don't think you're satisfied with the way they've carried out that responsibility from the remarks you made earlier. Why do you think that they have such a newfound, if I can use that term, ability to offer those services or to direct those services for the rest of us?

MR. AUBRY: Mr. Chairman, that's a good question. It's a question that requires a lot of thought, it's a question that requires dedication, commitment federally, and it's a question that needs to address the reasons why medicare and social services are out of control. One of the reasons is abuse of the system. How do you stop that? How do you ensure federally or provincially that the people who are in need in fact get that need? I'm having difficulty answering that, because I don't understand the relationship between, for instance, education. As I understand it, funds come from the federal government to a province for education, but is it specifically earmarked for education?

MR. CHAIRMAN: Only for postsecondary education and health care, not for education K to 12. Perhaps I shouldn't have added the educational element in there. I'm just saying if the federal government has not carried out its responsibilities adequately to one element in our society in those areas, why do you and others that have come before us believe that they should have that knowledge and understanding of how to carry it out for the whole of the country? It's a dilemma.

MR. AUBRY: It is a dilemma.

MR. CHUMIR: They already have carried it out to a large degree through their medicare and social programs.

MS CALAHASEN: Not adequately.

MR. CHAIRMAN: Well, we could get into a debate on this issue.

MR. CHUMIR: Canadians are quite happy with medicare.

MS CALAHASEN: Not adequately on the federal scene in terms of the aboriginal people. That's one of the problems. So they're a centralist government within . . .

MR. CHAIRMAN: Okay; order please. We're going to get a dialogue going here, a debate by the members of the committee, and I think maybe that's not what we're here for.

Well, thank you very much, but this is a concern that we have to face. Thank you very much for your second presentation and for your thoughtful concern.

Clint Dunford is next. Welcome, Clint.

MR. DUNFORD: Thank you. Mr. Chairman and men and women of the committee, I believe that you have had a written submission circulated. I would propose that given the time, I might read it into the record, but I wanted to inform you by way of preamble that we did something typically Canadian. When we decided that we would want to appear in front of this group, we formed a committee. What happened then is that it was our responsibility to bring some matters forward that we on the committee felt were important for Canada and for Canadians and presented it then to the directors of the Lethbridge-West PC Constituency Association. A comment was made earlier about what happens in caucus, and the same sort of thing can happen in constituency associations, so the written submission that you have in front of you is going to confine itself, then, to those matters on which the Lethbridge-West Progressive Conservative Constituency Association were able to arrive at a relatively large consensus.

As Canadian citizens we desire to live in a nation that stretches from coast to coast without internal interruption. We believe that Canada is from British Columbia to Newfoundland, Yukon and Northwest Territories, and all parts in between. We want Quebec to remain as part of Canada. We think this is important for Canada's future, especially in the increasingly global-minded world. Yet as much as we desire for Canada to remain together, we are not prepared to sell out other regions or all principles that we believe in just to see Quebec remain a part of Canada.

Canada has been built upon diversity from its beginning. In the past we have been able to manage this diversity in our first-class nation because of it. We believe that Quebec is a distinct society within Canada and are willing to recognize that fact constitutionally. However, we believe in equal treatment for all. If the granting of distinct society status to Quebec provides special privileges that are not available to other provinces, then we have only created two classes of citizens, Quebeckers and the rest of Canada. We are all Canadians. Even though different provinces have different characteristics and needs, we all must be treated equally and have the same access to privileges and responsibilities that have been granted to another province or a particular culture. One province or culture should not be able to hold the others as constitutional hostages through vetoes.

7:35

In keeping with equality among provinces, we believe that our federal government or the Bank of Canada should have regional representation or be approved by the members of a triple E Senate.

We recognize the multicultural aspect of Canadian heritage. It is to Canada's credit that so many cultures are able to exist in such harmony within the borders of one nation. However, we question the need for the government to fund multicultural programs and to support such extensive bilingualism. We believe it is the responsibility of the individual to maintain his or her cultural heritage. The government is responsible to maintain an environment where the practice of individual cultural initiatives is protected from persecution.

We find that the federal government's excessive support of bilingualism has been one of the most divisive factors in this country, especially in western Canada. We must reassess how widespread bilingualism need be enforced, especially in areas where Francophones are a minority or nonexistent and other ethnic cultures are dominant.

It is important that all citizens be treated equally no matter what part of Canada they may be in. Therefore, national standards are needed in such areas as health and education. The provinces should, however, have a greater say in the establishment of these national standards. As well, programs should be flexible enough that each province can respond to the distinct needs and desires of those citizens that reside within its borders. As long as national standards are being met, the provinces should be able to access transfer payments that are designated for that particular service. Specific administrative tasks should not be dictated by the federal government but could reflect the diversity that does exist among provinces. This would help maintain national standards that all Canadians expect regardless of their location.

We believe that the government which is the closest to the people is the most effective and efficient. Constitutionally we believe this means that where possible the provincial government should be responsible for more areas of government; in particular, those programs that deal directly with people and provide personal services. These programs should be the responsibility of the provincial governments. In areas where the federal government must have responsibility, we believe that government workers should be kept as close to the people they serve as possible. When we remove workers from the people they serve, they lose their ability to respond in an appropriate manner to the needs of those Canadians. In keeping with the fact that we are a diverse country, it is important that the way we govern ourselves becomes more flexible.

One final recommendation involves Canada's ability to compete globally, which requires that the trade barriers within Canada be removed. This could be accomplished by the establishment of national standards within various areas of economic trade. Each province would have input to such standards and would be expected to respect them. In doing so, Canada's labour force would be more mobile, and Canadian businesses would be more efficient.

I'd like to thank you for your kind attention.

MR. CHAIRMAN: Thank you very much, Clint.
Are there questions or comments? John.

MR. McINNIS: Mr. Dunford, the idea of equality among provinces sounds good to most of our ears, but from time to time there may be a conflict between the rights of provinces and the rights of individuals. What brings the case to my mind is when people talk about the right of Quebec to self-determination or to even secede from Canada. There are those within Quebec who don't agree with that decision, and they ask, "Well, if it's okay for Quebec to separate from Canada, why can't we separate from Quebec?" There's also the aboriginal people in the north, the Cree, who stand to lose all of their treaty rights if Quebec were to separate. I just wonder if in the discussion of equality of provinces the question of the rights of citizens came up as well, or how you might respond to that.

MR. DUNFORD: Actually, there was a fairly lively discussion on that particular point, and one of the interesting sidebars, I guess, that came out of it was Canada's position re what was happening in the Soviet Union. I'm not dealing directly with your question but again as sort of a preamble to where we went with this thing. If in fact we were supportive of not so much the Baltic states but some of the other republics within what we generally regarded as the Soviet Union, how could we then stand against what Quebec might wish? In chairing the session, the discussion regarding equality became interesting in the sense of how to keep it within a term of reference because we found so many different, not definitions necessarily, of what equality was. Most of us think we know what it means, but when we tried to articulate it and to put it into some sort of a recommendation – now what does that really mean? – I think we became extremely confused and in some cases maybe even lost.

MR. McINNIS: Perhaps one supplementary. The beginning of the submission says that you have no objection to a distinct society clause so long as all provinces are treated equally. I just wondered if that means you'd like to have a clause that says every province is distinct. Is that what you mean by that?

MR. DUNFORD: That would take our meaning a little bit far, I think. Some of our backgrounds have been in labour relations and human resources. I've personally experienced situations of desires of groups to have a particular tag. For whatever reason, it was felt important. I have the experience of not allowing that in one particular case and being sort of beaten up for it. In another case we did use it. It made no difference under the terms of a collective agreement in that particular area, but the people felt bonded. I suppose unity might be too much to ask in the Canadian context of labour relations, but certainly it helped. As an employer it helped us deal with that particular group. So I think it's in that context that we would view this. I have no objection if Newfoundlanders would want a requirement like that. I think that would be explosive, though, in light of what has gone on already – given Quebec's desire for that particular tag – for us to now start copycatting. I don't think it would be necessary, and I think it would be highly explosive.

MR. McINNIS: That's interesting.

MR. CHAIRMAN: Okay. Thank you.
Sheldon.

MR. CHUMIR: Yes, thank you. Mr. Dunford, you state that you believe it's a "responsibility of the individual to maintain his or her cultural heritage," and you "question the need for the government to fund multicultural programs." I presume in that sense you're using the term "multicultural programs" as those which promote a specific culture as a culture as opposed to tolerance and understanding. I must say I have some sympathies with that position, and I note the Spicer report indicated that a very high preponderance of Canadians have the same view. The philosophy behind it, as I believe is expounded by Mr. Spicer, is the view that our policies should serve to bring Canadians together rather than to divide them. Would that be the fundamental basis behind your thinking?

7:45

MR. DUNFORD: It would be. A member of our group brought forward an anecdote that I thought was fascinating. It dealt with Trail, B.C. The Canada Safeway stores out there were completely bilingual; it just happened to be English and Italian. I think these sorts of things exist all over this country. The people in Trail are a relatively homogeneous group. They've been like that for a long time, and they were coexisting with that sort of arrangement. I think individuals in Trail took charge of that situation. There may have been a profit motive on the part of Canada Safeway – I'm not sure – but it just seemed to me that that epitomized the possible and was concentrating on what could be done rather than what shouldn't be done.

MR. CHUMIR: One of the standard manifestations of promotion of cultural group interests is that of establishing, say, ethnic schools: language or religious schools. Would you say that those should not be funded through public moneys as well then?

MR. DUNFORD: I don't recall us dealing specifically with that matter in developing this submission, and I suppose I ought not to attempt an answer on the part of the association. However, as Clint Dunford I would certainly respond. I think it should be an individual decision, as that portion of taxes that is taken from me for the purposes of education – they might ask me where I want them to go. If they did ask me, I'd tell them.

MR. CHUMIR: Would that be the same thing: that the portion of taxes that we're taking for culture – then each ethnic group should say, "Well, I'd like that to go to my own culture"?

MR. DUNFORD: That's where we might start to be disagreeing. I don't know; I'm not reading your mind. I guess as a generalized statement, without again trying to represent these people, I'm not sure that our tax dollars should be used for multicultural activities per se. Now, if we're talking education, I would separate that.

MR. CHAIRMAN: Okay. Thank you very much, Clint. There was one brief question. I think most of us will agree that we must dismantle interprovincial trade barriers, and your last paragraph indicates that "each province [should] have input to such standards and would be expected to respect them." The requirement and the enforcement of respecting removal of those interprovincial trade barriers isn't easy, as I'm sure you will appreciate.

MR. DUNFORD: Right.

MR. CHAIRMAN: Did you give any thought to what mechanism you might have in mind for that, ensuring that respect does occur?

MR. DUNFORD: I'm afraid not. We just threw it as a principle.

MR. CHAIRMAN: Okay. Well, that's something we'll have to wrestle with.

Thank you very much, then, for your presentation.

MR. DUNFORD: Okay. Thank you.

MR. CHAIRMAN: Next we have Jeff Nahuis. Is that the correct pronunciation?

MR. NAHUIS: That's pretty close.

I'm afraid I don't have any copies. I just took one.

MR. CHAIRMAN: Well, that's quite all right.

MS BARRETT: We'll take notes.

MR. CHAIRMAN: A complete transcript will be taken, and we'll have access to that, as will the other members of the panel who aren't with us this evening.

Please proceed, and thank you for coming.

MR. NAHUIS: Just to kind of get it open – I don't normally do this kind of thing. I guess I'm just very upset about the whole situation, this constitutional reform, just the general way the government runs and everything, and I thought I'd throw out a few ideas about the good things we've got, some of the concerns, and then some suggestions.

MR. CHAIRMAN: Well, if it's any consolation to you, Jeff, many people have come before us in exactly the same position you are tonight, so feel relaxed. So far we haven't bitten anybody that's come to the table. Please proceed.

MR. NAHUIS: Okay.

My whole talk here is basically focused on Canada as it is, and I think it's a pretty good place to live. I don't focus on any specific province. I just want to say that I like it the way it is. My travels abroad have really opened my eyes to many good things that I've seen in Canada and what it offers to its citizens. We have a good standard of living; we have quality education and health care; we have a multicultural background, I think, which really allows us to be open to lots of different ideas; we have a safe, clean country; we have a democratic society. If we want to give all that up, I think we're in for a lot of trouble, and maybe that's what Canadians need. We've had a pretty easy life, and I think we need a shake-up once in a while.

Some of what I see as current concerns and problems are: a general lack of trust in our elected officials by the public; there seems to be a lack of understanding and communication between the various regions in Canada; the distribution of power between the federal and provincial governments; federal bilingual policies; the size of our public deficit; current economic strategies; and aboriginal self-government. Of these I have, I guess, some more specific concerns. It seems to be especially emotional for myself.

I guess what really bothers me is the lack of co-operation and discussion between various levels of government and/or regions. I just see a need to rationalize all this duplication within the various departments in governments if we hope to compete globally and maintain our social programs. These social programs are a big reason why we have such a good standard of living, a low rate of crime, an educated society.

We need to resolve interprovincial trade barriers before we get swallowed up by the U.S. I think they realize what a good deal they've got, and if we don't start turning around our shop here – you can see in Ontario that we're already losing industries to the U.S. because of a more favourable tax regime. Our level of taxation is far too high, and I feel it's a function of our level of debt.

I also have a big problem with the level of trust in our elected officials. I find it very difficult to determine what our national leaders and provincial leaders stand for. It's more like a function of the latest poll surveys: what are hidden agendas? There don't seem to be any ethics or moral standards in politics. It's basically let's just stay in as long as we can and let's just take it to the people; let's soak them for what we can. There just don't seem to be any new ideas from the politicians. It's great that you're looking to us for ideas, but I just don't see any new ideas coming out of the existing leadership. I think that's probably one of the reasons why these little regional parties are doing well. At least they have the policy to try and present their ideas and stand for them. Our leaders show an unwillingness to admit to mistakes. All this, I feel, is poor leadership. It's all a kind of media campaign, I think.

I have a problem with the limited input allowed by the general public in our major political decisions, again provincially and federally. Accessibility to public information is poor at times. I think our province is not exactly at the forefront of that. I think we need greater accountability in our elected officials. They should be liable for past decisions, even if they are no longer elected. I think we have very loose financial standards. People are allowed to let mistakes slide. I think we need some kind of measure of industry accountability in these financial mistakes. I feel that elected officials who do not exercise any power – for example, backbenchers – are overpaid. If they're not going to make decisions, what's the point of being there?

I think that any elected official should be allowed to speak freely in public without fear of retaliation by his party. I guess that's one advantage the States has. Individuals are allowed to speak, whereas here it's follow the party line, and if not you get booted out.

I find patronage disgusting. I guess we don't seem to be very subtle about the way we do it.

7:55

Bilingualism. I guess I don't have strong points of view. I think we should use common sense. It's beneficial in international trade, but I guess it's a wherever the people want it type thing.

As my last major concern, basically I see the country deteriorating before my eyes with the rising public debt and government debts. Our social programs and other services are deteriorating; the general standard of living is deteriorating. I think this is going to lead to increased crime. I think we're going to see more class distinctions occurring here, and that basically all goes against what Canada stands for, I think. I realize all these programs are expensive, but I think we need to take this into consideration when we're maintaining our country.

I have some proposals and suggestions that I just want to throw out. I guess I don't have a lot of backup information or anything to add, but I feel that for efficiency's sake we should be realigning all the provinces into regions, areas which have common interests – business, culture, et cetera – so that they can each be allowed to maintain whatever special interests they have. I can see an Atlantic region: Nova Scotia, New Brunswick, Newfoundland, P.E.I; a region for Quebec; Ontario; and a western region which includes Manitoba, Saskatchewan, and Alberta. I see B.C. being separate, and I see the northern region being a separate entity as well but included, not separate. I also feel that our native peoples, the aboriginal natives, somehow need to be included so that their interests can be looked after.

I would like see to a rationalization of all our social services. For a lot of the benefits like health care, education, grants, welfare, I think we need a two-tiered system, one that will provide basic benefits to our low-income earners, but also for the high-income I think we can live with higher minimum service charges and certain exclusions. I guess I'm in this higher income bracket, and I don't have a problem. For the overall general well-being of our country and to kind of keep Canada as it is, I think we need to maintain some kind of equality between peoples, and basic services are one of the reasons why we're such a good place to live.

Education and health care. I can see that the provinces maybe look after basic health care, senior housing, senior health care, primary and secondary education, but on a national level I think we should be looking at creating specialized health care areas, postsecondary institutions near large population centres, from points of efficiency. I don't think every province needs to have a university. I don't think every province needs to have a hospital that does heart surgery. It's just a waste of money.

Unemployment. I still feel that's too easy to get on. I think we need to co-ordinate more retraining associated with unemployment so that if you're going to get unemployment, you get involved in some retraining. Just some way to make it more difficult, because I think we're losing our shirt on it. If we look at where our federal funding goes, I think unemployment is a big factor, as well as interest and debt.

Another suggestion is involvement of the general public in government decisions. I personally plan to make it a mandate to put my MP or MLA on the line to make them more accountable. I'm going to make sure they know that I'm not going to sit by and let them get away with whatever. I'd like to see major government grants and our policy decisions subject to more public scrutiny and a possible vote. For example, if we're looking at more than $10 million or $50 million – that's just a hypothetical number – I think the public has a right to be involved in the decision, especially if it has environmental implications with the people in that area. It really bothers me that somebody sitting in a nice warm house over here is screwing up somebody's life in a remote area of the province. I just don't think that's right.

I'd like to see greater accountability taken by the electorate. They should be allowed to impeach their elected representatives and the government in power. I don't believe in waiting five years. If we think it's not good, and if they don't have the balls to make decisions, then I think we should be allowed to take them out. I also think that elected officials should be allowed to speak their minds and a greater number of free votes without forcing votes of nonconfidence situations.

I also would like to see everybody promote greater understanding between regions of the country. I think mediums like the CBC or Access Network or any other medium should promote regional information concerns and present them to the public for their information. I think we should focus more on Canadian history. I think we need to promote more patriotism. I think people are just taking for granted what they've got here, and they should be proud of it.

I think there should be incentives made to travel within Canada. We should tax international travel for pleasure, just so that more people will see their country. There are lots of things to see and do, and there are a lot of interesting people here.

As far as aboriginal self-government, I think we should allow the aboriginal peoples to live their own lives. I don't think we should be imposing our life-styles on them. I think it's screwing up their lives pretty badly.

In closing, I guess I just want to say that Canada's a great place to live. I just want to thank you for the opportunity to speak, and probably from today on I might get more involved in whatever.

MR. CHAIRMAN: Thank you, Jeff.

Are there questions or comments? Yes, Stock.

MR. DAY: Thanks, Mr. Chairman. A lot of interesting thoughts there, Jeff. We're trying to sift through a lot of these thoughts and suggestions. As you can imagine, on any one issue we could get three or four different positions.

You talked about, in terms of education, that you feel the province should control elementary and secondary and that possibly postsecondary would be an area of federal jurisdiction. You went on to say that not every province should have a university or necessarily needs a university. I guess you're thinking about the cost involved, et cetera.

MR. NAHUIS: What I'm thinking there is specialized research, industrial research and that; just special areas that we may want to focus on, communications or whatever. I guess provinces could have postsecondary education with basic general studies.

MR. DAY: So it would be more the areas of specialized – and that's what you're referring to in health care also.

MR. NAHUIS: Uh huh.

MR. DAY: Okay, that clarifies it a bit for me. By the way, in terms of getting involved in the process – you talk about the public being involved in grant decisions and things like that – we'd encourage you to be involved in the whole Toward 2000 initiative, which is out now. It's in the public and it's to get that very thing, your input on economic policy. It would be a wide-open process for you, so I look forward to your input there.

MR. NAHUIS: Is that already being advertised in local newspapers and that?

MR. DAY: Yes. Some of that is out already.

In the area of impeachment – that always raises the interest of politicians – a very common scenario when there are three candidates running, three parties, would be, let's say, the winner getting 48 percent of the vote and let's say, and this is hypothetical, the other two parties each getting 51. No; I need help with my math here.

MR. McINNIS: Divide 52 by 2.

MR. SEVERTSON: Twenty-six percent each.

MR. DAY: See what I mean? We got eight different answers to that math question. Twenty-six percent each, okay? So the winner gets 48; the other two get 26 percent each. The next day, theoretically you could go to the other two camps and say sign a petition and he's out or she's out. What would be the process of impeaching someone? What percentage of disgruntled voters would you have to get where it wouldn't just be people voting because that guy or that lady isn't in their party? How do you do it?

MR. NAHUIS: Well, I don't think you can gang up on somebody like that, but I think you should get a minimum number of people, depending on the size of riding. As an arbitrary number, 50,000 – I don't know.

MR. DAY: Let's say percentagewise. What would be fair?

MR. NAHUIS: I guess it should also depend on the number of people who voted in that riding, like the percentage turnout and that. I don't know. It's probably going to have to be some kind of a formula.

8:05

MR. DAY: Okay. That's an interesting thought. I hadn't considered that. Maybe phone a person's mother and ask them how to do it.

I wondered if you had any suggestions, guidelines, on what percentage . . .

MR. NAHUIS: No.

MR. DAY: Okay. Thanks.

MR. CHAIRMAN: Just as a follow-up on that, half jokingly I suggested that if you were going to bring in impeachment or recall, only those people who voted in the last election should be entitled to participate in that process. When we get to an election and only 40 percent of the people vote and 60 percent of the people stay at home, or even more than that in municipal elections, it strikes me – and I'm only half serious about this – that if that process were introduced at some time, maybe just those people who actually took the time to exercise their franchise should be entitled to have a say in whether or not the person is carrying out their responsibilities. That would be hard to work, but I just wondered if I could get your general reaction to that idea.

MR. NAHUIS: Well, I think that's the fair thing to do, because you could get some people ganging up on somebody, and I don't think that's fair either. I think, just on the general idea, there has to be kind of a period where the person has to be allowed to show his – I guess an initiation period or probation period or whatever you want to call it. I guess there are a lot of ideas you could throw out on the table.

MR. CHAIRMAN: Well, it was in place once in Alberta, just as an aside. In 1935 the Social Credit government was elected. They brought in a recall provision. It was a by-election in which Premier Aberhart was elected. Within a year a petition was brought for recall, and as they approached the percentage necessary for recall, they recalled the Legislature and repealed the Bill in Alberta. That's a little historical background. An interesting point, though.

Other comments? Yes, Pearl.

MS CALAHASEN: You said that people in warm houses shouldn't have to decide what's going to happen in remote communities regarding their life-style. I come from a remote community. One of the most devastating parts of coming from a remote community is not having a job, people being on welfare. I think people in the north are sick and tired of being on welfare, so as northerners we welcome things like economic development which are going to make our lives better. We feel that there could be a mix of environmental control and environmental legislation which will help us be able to make sure that there are regulations and guidelines in place and yet provide us with jobs, because poverty is no way to go. We happen to have a lot of poverty in the north because there are no jobs. There are things happening in the cities, and it's easy for people in the cities to say, "You shouldn't do any development in the north." We strongly disagree with that.

MR. NAHUIS: That's the way I feel. In any decisions that are made as far as spending money creating new industries, people should be allowed . . . Because too many times I see in the long run environmental damage and disrupted life-styles of families created as a result of the capitalist coming in and making a buck. That's where I'm coming from. I don't want to see anybody living on the poverty line. I can sympathize with your point of view. I grew up in a small town too, but I guess I'm a bit of an environmentalist too.

MS CALAHASEN: I think we are all environmentalists, but I think there can be a marrying of the two. I don't think people have to live in poverty, nor should people be deciding what should be happening with their lives from a perspective of total environmentalism.

MR. CHAIRMAN: Thank you very much.

Yes, Sheldon.

MR. CHUMIR: Thank you, Jim.

Congratulations, Jeff, on providing a great balance, at least attractive to myself, between sensitivity towards our social programs and the benefits of them on the one hand and, on the other hand, hardheaded realism for some effective management and tightening the belt in some areas. I thought that was excellent.

One of the seminal issues facing the nation relates to the balance of powers between the federal government – the central government – and the provinces, particularly with respect to medicare and social services. At the present time the federal government sets minimum standards re both of those and some level of funding. Some argue that the federal government should be out of that, that it's better to have it just within the provinces. Let them get together or whatever and set the standards, and let's get the federal government out of there. I'd appreciate your views with respect to that issue, as to whether you feel that there should be a role for the federal government or that it should be provincial.

MR. NAHUIS: I guess I don't see much activity on that front. I see Alberta sitting here and Quebec sitting there, and everybody is kind of cutting up their piece of the pie, but nobody seems to be willing to work together. That's my impression.

MR. CHUMIR: But who do you feel should have the jurisdiction? Do you favour the federal government being involved in setting minimum national standards in respect to medicare and social services, or do you want the federal government out of there?

MR. NAHUIS: I actually started trying to make a list of things that I think the provincial government should look after and the federal. I kind of gave up because I thought I wouldn't have enough time.

MR. CHUMIR: How about this one? Could we have a view? If not, it's fine if you don't.

MR. NAHUIS: You're talking about health?

MR. CHUMIR: Medicare and social services now have minimum national standards established from one end of the country to the other. The argument is that if they are needed, that's the place they should be established so that people know what it is to be Canadian in respect of those standards. The other view is: no, it's too central; this is provincial jurisdiction, and the provinces can come up with some form of co-ordination and minimum standards themselves. It's a reflection of the vision of the nation.

MR. NAHUIS: I guess that's a tough question, because speaking as a Canadian, I think you'd like everybody to have the same kind of benefits and that. But if you're talking as an Albertan or whatever, well, you want certain things that are important to you and you don't care about the other people. I guess that's a tough one to call.

MR. CHUMIR: That's fine. Thanks.

MR. CHAIRMAN: Thank you very much, Jeff.

MR. NAHUIS: I just want to say that I hope I didn't sound like I was complaining too much.

MR. CHAIRMAN: No. Well, listen; politicians have been taking it in the ear, and that's good. We need to, and we hear it all the time.

There's an interesting article I read not so long ago in *Maclean's* magazine which said that when you look around and you examine individual politicians, sure, there are some bad apples, and there are going to be. And backbenchers, as you mention: it used to be a part-time job, but now, because of the demands that are being placed on MLAs by their constituents for services, it's a full-time job. It's become that way whether the House is in session or whether we're back in our constituencies. I know that I've kept track of my time, and my average work week is 72 hours. I don't know . . . Pearl is not in the cabinet. What's your work week?

MS CALAHASEN: It's seven days a week, 14 hours a day.

MR. CHAIRMAN: In opposition: Pam?

MS BARRETT: It depends. It's worse when the House sits. It's around 70, 75 hours when the House sits and down to about 60 when it doesn't sit.

MR. CHAIRMAN: That may surprise you, Jeff, but that's really what happens. We work very hard, and most of my colleagues in my 17 years in the Legislature have been honest, hardworking people who have gone in there to serve. Sure, there have been a few bad apples. We ain't perfect, folks, because we're human too.

Thank you very much.

MR. NAHUIS: Okay. Thanks.

MR. CHAIRMAN: Is Stephen Harding in the audience, please?

Yes, Stephen.

8:15

MR. HARDING: Good evening.

The compromise that ended 114 years of having our Constitution in British custody was made possible by the goodwill of nine of the 10 provincial Premiers and the Prime Minister. In the process every part of the patriation package was improved. The new amending formula requires the approval of not only the federal Parliament but the Legislatures representing at least two-thirds of provinces with half Canada's population. The newly revised Charter of Rights will allow provinces to opt out where amendments touch their jurisdiction, but they will not be entitled to receive compensatory federal funds. That may sound contradictory, but what it means is that Ottawa can never be placed in the position of financing the cost of Quebec separation.

> The bargaining that led up to last week's happy denouement . . .

Obviously this is an old quote.

> . . . helped remind Canadians of René Lévesque's unswerving determination to break up this country . . . It was Peter Lougheed, describing the compromise that led to the agreement as 'the Canadian way to do things,' who set the more appropriate concluding note for the precedent-shattering conference. This was statesmanship at its finest, with very different men representing very different regions caught up in the notion that Canada should gain its full independence at last. To bring it about, they willingly subverted their more selfish political impulses for the national good.

Thus wrote Peter C. Newman in *Maclean's* magazine a decade ago.

Let us never accept the notion that our Constitution is a second-rate document. On the contrary, we should recognize the wisdom and power it contains. Now that it's ours and has weathered the storms of the past 10 years, we should at last begin to understand why it is important. Simply put, a Constitution protects the people from the government. As the supreme law of the land, it eliminates unjust or unreasonable laws which violate that highest law. The fact that the separatist Premier of one province refused to sign the Constitution has no bearing on its merits.

One could easily foresee the divisiveness of such a refusal on the future leaders of the country. Lévesque was no fool. He wanted to destroy Canada, and this refusal was just another move in his lifelong game. It is sad indeed that this transparent strategy has so stymied the current crop of provincial and federal leaders. To attempt to drastically change the Constitution simply to accommodate the desires of political leaders of the one dissenting province is madness. Either the people of this country, including the people of Quebec, accept the provisions of the Constitution as a sound basis on which to judge all other laws or they don't. The matter should not be open to negotiation or horsetrading or manipulation from behind closed doors.

As an example of how perverted this debate has become, one may scrutinize the recently publicized comments of the Premier of Ontario, who is prepared to look favourably on new federal initiatives in the constitutional area but only if Ottawa provides generous financial support for Ontario's lagging economy. That's what one would expect of a pimp, not of a Premier.

Politicians had better start listening to the people they are supposed to be representing. We didn't like Meech Lake. We didn't like the underhanded skulduggery. We don't like very many of our current Legislatures and we trust even fewer. We the people have never said that the Constitution is broke and we wish the politicians would stop trying to fix it. Like many half-witted mechanics, they seem capable enough to take it apart but are unequal to the task of putting it back together. It is not at all obvious why the Constitution needs changing. The people of Quebec have never been asked what they like or don't like about it, yet our leaders have gone to incredible lengths to bring about changes in order to satisfy the Quebecois.

Before we continue with our tinkering, let's find out where the problems are. Let us ask the people of Canada – all the people – to evaluate the Constitution article by article, line by line. I suspect they would have no quarrel with the present document. It is more probable that politicians find it convenient to feign outrage in order to bolster personal fortunes and deflect attention away from other, more real problems. If the people of Quebec and the people of the rest of the country honestly have divergent views about what the fundamental law of the land should say, then the two groups are destined to go their separate ways. For the moment we must find out what the people think. Let's ask them.

MR. CHAIRMAN: Thank you, Stephen.

While we're in the particular process of asking, we're receiving some very interesting ideas. Of course, tomorrow we will be hearing from the federal government on what they think they want to ask the Canadian people, and the debate and discussions will go on over a period of months. Perhaps we will end up going to a line by line examination of the Constitution.

MR. HARDING: It really would benefit us all. I don't think much is gained by articles that report, for example, as in the *Calgary Herald* of August 28, that the "Premiers back public participation," yet these same Premiers not too long ago were ready to change the Constitution without public participation.

There was another article recently in the *Herald* on August 24 which indicated, "Getty for native autonomy in Constitution." Once again, Don Getty did not have the authority or the agreement of the people of Alberta to say that. When he talks on provincial matters, that's fine. We've elected him; he's our representative, our Premier. But when we talk about federal powers and the Constitution, it goes way beyond Don Getty's authority to speak for Alberta unless he has first found out what Albertans want.

MR. CHAIRMAN: Well, if you want to take a look at that particular article, you will see that he said providing it is defined.

MR. HARDING: By whom?

MR. CHAIRMAN: In the process of discussions. Obviously, the process we're into now is considerably different. But the process that was used in Meech Lake was exactly the process that was used in arriving at the patriation of the Constitution in the article you quoted from in the opening of your paper.

MR. HARDING: You're absolutely correct, and if you'll recall, when there was an impasse reached at that time and the 11 first ministers could not agree, the federal government's position was, "All right, let's take it to a referendum and see what the people of Canada think." The Premiers backed down. Then in large measure what the Prime Minister and the people who agreed with him wanted they got, because the other Premiers knew that in a referendum the people of Canada would overwhelmingly support Trudeau's big deal, which was the Charter of Rights.

MR. CHAIRMAN: Well, you may have a slightly different version of that, and I'm not going to get into a quarrel with you. But there was the decision of the Supreme Court of Canada on the Trudeau patriation proposal which changed the course of action and brought the deal together. That was the deciding factor on the part of all the governments at the table in 1981, and I was there at that conference that brought the compromise. The eight Premiers dissenting from the Trudeau proposal went to the Supreme Court of Canada and obtained a judgment which was sufficient to bring about the compromise. There wasn't a referendum or even the threat of a referendum which brought about the compromise.

In any event, that process which was used in 1981 was attempted again the first time there was an opportunity to use the new amending formula in the Meech Lake process, and clearly it failed. So now we're on to a new system of discussing these issues with Canadians. Your view, I think, is that we should wait out Quebec.

MR. HARDING: Not at all. My view is that before we amend the Constitution, we should find out what the people of Canada think needs amending in the Constitution. I have an example for you that will suggest the importance of having the people approve changes. That would be article 4 of the Constitution, which requires that the Parliament of Canada hold elections five years after it's been elected so that they not go longer than five years. Theoretically, if the 11 first ministers can agree to change the Constitution without referendum, then those first ministers could agree to eliminate article 4 from the Constitution, thereby eliminating forever the legal requirement to have another election, thereby keeping themselves in power forever.

MR. CHAIRMAN: Well, it's not that easy. It has to pass through every Legislature. It's not just the Premiers signing a piece of paper that brings about an amendment to a Constitution. I can hardly imagine the government wanting to go to the people again, having proposed an elimination of the election process. The Legislatures have to approve anything the Premiers and the Prime Minister might agree to. Of course, it was the Legislatures and the failure of the Legislatures in two provinces to ratify Meech Lake that brought about an end to it. So it's not as simple as just the Premiers signing their names. The Legislatures must indeed endorse that action. And quite frankly, in my perspective, nobody in their right mind would go into a Legislature and vote in favour of a proposal such as the one you just suggested might occur.

8:25

MR. HARDING: I never suggested that all politicians in this country are in their right minds.

MR. CHAIRMAN: Well, that's an interesting point. I'm just suggesting to you that there's never been any history of that type of misbehaviour on the part of Legislatures in this country that I'm aware of.

MR. HARDING: In this country, absolutely. We have a fine parliamentary tradition that we should be proud of. But there are examples in other countries. I think we would do well to ensure that it could never happen here.

MR. CHAIRMAN: Okay. Well, thank you very much.
Oh, Gary. Sorry.

MR. SEVERTSON: Thank you, Mr. Chairman. Reading your article and listening to you, you figure people want the Constitution to stay the way it is.

MR. HARDING: No, no. I say I think that before we make changes, we should find out if the people want them. I don't know what the people want and neither do you, because we've never asked them.

MR. SEVERTSON: Okay. What I was going to get to is the triple E Senate concept. We had a committee that went around the province. It's been passed, I think, in a motion in the House twice and agreed to by all parties. Overwhelming support in Alberta for triple E has been documented a number of times.

MR. HARDING: Fair enough. However, the overwhelming support came from Gallup polls and the like, not from a referendum.

MR. SEVERTSON: Not from a referendum, no.

MR. HARDING: Let's face it, if we ran this country on public opinion polls, the government would be changing every six months.

MR. SEVERTSON: I didn't say public opinion polls. From individual members who hear from their own people directly.

MR. HARDING: But when you suggest overwhelming public support, what is your justification for saying that?

MR. SEVERTSON: Well, in my case I put a questionnaire to every household in my constituency to mail back. I think it was something like 85 percent. I think a number throughout the province did the same type of thing and got the same type of results.

MR. HARDING: That's excellent, that you're attempting in a small way to find out what your electors want, but what was the percentage returned? In terms of total number of voters in your riding, what percentage returned your questionnaire?

MR. SEVERTSON: I couldn't tell you right now. I'd like to take it in percentage of the amount that voted; it would make it more accurate. I have about 4,000 people who turn out to vote out of 12,000.

MR. CHAIRMAN: Well, thank you very much.

We did have an opportunity, of course, of testing a senatorial election for the first time. The voter turnout across the province in that particular case at the time of a municipal general election was 40 percent. Is that a sufficient endorsement of the Senate proposal? I don't know. In any event, you've given us some interesting ideas, and I appreciate you coming forward. Thank you.

MR. HARDING: Thank you.

MR. CHAIRMAN: The next is Roseanne Ziff. Did I . . . Sorry.

MS ZIFF: How about starting all over again. Robyn.

MR. CHAIRMAN: Robyn. I'm sorry.

MS ZIFF: That's all right.

MR. CHAIRMAN: I can't read my secretary's writing.

MS ZIFF: It's not the first time, believe me, and I'm sure it won't be the last.

MR. CHAIRMAN: It looks like an "s" here the way the "b" is printed.

MS ZIFF: No problem.

I'm representing the Sierra Club of Western Canada, Alberta Group tonight. The Sierra Club is an international conservation group that was established in the western United States in 1892. It is the oldest conservation organization in the world. In Alberta the group has been active since 1972 and has as its mandate the protection and enjoyment of the wild places of the earth. Within this mandate the Alberta group has recently focused its efforts in two areas: public education on environmental issues and the use of the judicial system to enforce government environmental legislation. We wish to restrict our comments to the question of constitutional jurisdiction over the environment.

At the time of Confederation, jurisdiction over the environment was not clearly established. Specific control was given to the federal government over matters such as fisheries and navigation, while the provinces retained control over the natural resources within their boundaries. This lack of specific jurisdiction over environmental matters has caused increasing federal/provincial rancor.

Twenty-five years ago the problems of ozone depletion, acid rain, and global warming were virtually unheard of. As scientific knowledge increases, we have become more aware of the incredible interrelatedness of the elements that make up our environment. Air and water are fugacious. The alteration or contamination of one can affect the other and, as well, the health of soils and plant and animal life.

Because environmental and economic concerns are so closely entwined, political jostling over the ambit of federal and provincial jurisdiction has resulted. The Brundtland commission on the environment and the economy made it very clear that there is little time left. A major change in the way we think, the way we live, and the way we carry on business must occur, and it must occur in the next few years. There is no time for jockeying over jurisdiction. Poll after poll makes it clear that Canadians are looking to the government for leadership to find a way to a sustainable future to ensure there is a future. The public and, in many cases, industry have outstripped government in recognizing the need for immediate change and action.

To ensure a sustainable future awaits us, there must be an environmental bill of rights and access to information. This bill of rights could be separate from the present Charter of Rights or contained within it. It would guarantee to every Canadian clean air and water, healthy soils, the preservation of representative ecoregions in their natural state, and the maintenance of biodiversity. With such a bill of rights, every Canadian is in a position to monitor our progress toward a sustainable future.

In conjunction with such rights, every province would have to enact access-to-information legislation. For the population to lead the way, guaranteed access to information is essential. Without such legislation the utility of a bill of rights is questionable. Access to information in an environmental bill of rights gives the people of Canada both knowledge and power. With both, Canadians are able to chart their course toward a sustainable future. Without them, jurisdictional bickering will continue, with a resulting possible forfeiture or neglect of the environment. By the time jurisdictional concerns are dealt with, it quite simply may be too late for our political system to handle the problem.

MR. CHAIRMAN: Thank you very much.
Questions? Pam.

MS BARRETT: I wondered if Sierra western had looked at any specific constitutional changes to ensure . . . I don't know if you know that what you're suggesting – which, by the way, is really good stuff – would not have to automatically mean any constitutional changes. What you are really giving us a directive for is legislation that can be passed at both provincial and federal levels. Are you concerned that there should be any embodiment of this direction within the Constitution, or would you like to see, for example, the jurisdiction between federal and provincial well defined in the Constitution?

MS ZIFF: I believe the answer to that would probably be both in the sense that . . . I can't take credit for writing the article, because I didn't. I'm just here tonight reading it for someone who wrote it much better than I could have done. However, my understanding of the position we have taken with this issue is that the Constitution should guarantee that the federal government is responsible or mandate that the federal government is responsible for all issues that are cross-provincial. Also, each province itself would have to provide, under federal legislation, access to information for all Canadians who wish it.

MS BARRETT: Actually, now that I think about it, you're right. We could interpret it that way. Yeah. Great.

MR. CHAIRMAN: Stock, and then John McInnis.

MR. DAY: I think John was first, actually.

MR. CHAIRMAN: Oh, sorry.

MR. McINNIS: Go ahead.

MR. DAY: Okay. In granting the federal government exclusive jurisdiction in areas of environmental protection, what would a province like Alberta do in the case where, for instance, there are certain standards to do with effluent, be it into the air, into the water? As the case is now, for instance, certain operations, let's call it, are allowed to operate in Ontario at certain standards which we would never allow here, and the federal government is accepting of that. If the federal government had exclusive jurisdiction right now, these businesses that we are enforcing stricter standards on here in Alberta would come to us and laugh in our face and say: "No way. If they can have this type of mill and these types of standards in Hamilton, you can't force us to have standards here in Alberta." So how would that work where one province might want to attain even higher standards but the federal government, having exclusive jurisdiction, has a lower standard?

8:35

MS ZIFF: I can see your point, and I can also see that there are problems that could arise from that. There are some provinces that have been much more proactive in these areas than other provinces have been. I also would have to say that I'm not certain that we have delved into that issue. In any of the discussions I have been involved in, I don't think there has been any kind of stand or mandate within the group that has been taken as a group, and since I'm representing them, I don't want to get involved in what I personally would like to see.

MR. DAY: Sure; okay. I appreciate that. Thanks.

MR. CHAIRMAN: Yes, John.

MR. McINNIS: As I read the submission, I don't see a desire to put the jurisdiction at one level or the other; I see a desire to empower citizens with information and with legal rights that they can take into the courts to protect their right to clear air, pure water, and unpolluted soils, wildlife, and all the rest of it. I support that, I think, because in the absence of that it's too easy for politicians to talk green on one side and do things in a detailed way day in, day out that have the opposite effect. I guess one thing I've learned in my two years in politics is that in government there are a lot of detailed day-to-day decisions that are made by elected people, probably more than I would have thought.

In your brief you talk about the two options, putting the Bill of Rights in the Constitution or in some other statute. Does Sierra Club have a preference between those two models?

MS ZIFF: I don't think so; I think they'd like to see something in the Bill of Rights guaranteeing to every Canadian the right to the items that were mentioned, such as clean air and clean water. I think the main point is that there be some types of legislation and the jurisdictional problems be settled so that Albertans and all Canadians have the power to take care of themselves or look after themselves, which would come from resulting legislation and the ability to enact on that with the freedom of information.

MR. CHAIRMAN: Thank you very much for your presentation on behalf of your organization.

Just jokingly, does that right to clean air include smokers? [laughter]

MS ZIFF: I think I'll leave.

MR. CHAIRMAN: Well, that's fine.

Next is Joe Babineau, but just before I call on Joe, two individuals have asked to make brief presentations this evening, and as chairman I think I'm going to agree, providing they both keep their presentations rather brief because we have had a long day. We had asked that people who wanted to make presentations let us know by the end of July, and there may be people who have been curtailed by that deadline, but on the other hand, I don't want to make it appear that we're not willing to hear people who come forward. So Maureen Dawson and Stephen Kahn will also be coming forward after Mr. Babineau, and we'll give them some of our time, recognizing that we started this morning at 9 o'clock and would like to conclude at 9 if at all possible.

Yes, Joe.

MR. BABINEAU: I'm here.

MR. CHAIRMAN: Good.

MR. BABINEAU: There are no guns in that briefcase, in case anybody's worried.

My name is Joe Babineau. I'm here to speak on behalf of Canadian Tax-Payers United, and if you people are ready, I'll begin.

MR. CHAIRMAN: Certainly. By all means.

MR. BABINEAU: This may not be a perfect presentation; we only finished it today, and the lady who did the typing made a number of errors. We have not had a chance to edit it; however, I will do the best I can.

My name is Joseph Babineau. I am a Canadian by birth and a Calgarian by choice. I am a member of Canadian Tax-Payers United, and I strongly believe in the principles of true democracy, free enterprise, justice, equality, civil rights, freedom, and dignity for one and all. I believe that what I am about to say will express not only the true sentiments of most Albertans but also the true sentiments of the majority of Canadians across this great country, Canada.

The government of Canada would have Canadians falsely believe there is a constitutional crisis in this country and that the Constitution of Canada, the British North America Act 1867, is to blame for all our ills and woes and the cause of all our problems. They argue that the Constitution of Canada must be reformed at once to save the unity of the country and protect its people from impending disasters.

There is no substance, justification, accuracy, or legitimacy to any of these allegations. It is our contention that not only does the Constitution of Canada provide the necessary elements for federal/provincial accord, fair and just government, with all the requirements for a truly democratic system, but also it is without doubt one of the finest, most distinguished constitutions of any in the world. Unfortunately, it's also one of the most violated, abused, dishonoured, and manipulated constitutions of any in the world. Our observations, research, and studies of the matter show that for the past 100 years or more governments of Canada have intentionally and continually deceived Canadians and conspired to deny and deprive them of the justice, equality, civil rights, freedom, and dignity that is rightfully theirs and provided for in the Constitution of Canada, the British North America Act 1867.

Furthermore, the corrupt, unconstitutional acts, practices, and policies of the government of Canada know no boundaries, and they will stop at nothing, no matter how corrupt, to usurp all the powers of the provinces as provided in the Constitution of Canada and thereby gain absolute control over all Canadians. To make matters even worse, it now appears that not only are some provincial governments encouraging this unconstitutional, illegal act, but they are also openly participating in the procurement of same as well. Be it in ignorance, cowardice, or outright voluntary collusion, the sanctity of the Constitution of Canada is being violated in every sense of the word.

What can any provincial government, or any true Canadian for that matter, possibly hope to gain or accomplish from this treason other than an unconstitutional, centralized government that is hell bent on the destruction of democracy in this country and the enslavement of its people? Canadians have been unconstitutionally denied and deprived of their rights to a better, more prosperous way of life as provided for in the Constitution of Canada, the British North America Act 1867. Canadians are literally being swindled and robbed of their purses and properties by unconstitutional, illegal, and excessive taxations that are driving them into bankruptcy and slavery. Canadians have nothing left to look forward to but debt, debt, and more debt; taxes, taxes, and more taxes.

Let us examine the facts. The BNA Act of 1867 clearly and specifically stated the legislative authority of the Parliament of Canada in section 91 and the exclusive powers of the provincial Legislatures in section 92. One of the powers assigned to the provinces was "Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes," section 92(2). In section 91(3) the federal government was given the authority for "the raising of Money by any Mode or System of Taxation." However, this power was circumscribed by the opening statement of section 91, which says:

> To make Laws . . . in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

Very clear. Therefore, Parliament could raise money by any form of taxation, except direct taxation because that was and is the exclusive prerogative of the provinces. Direct taxation refers to taxes upon income, corporations, and succession. So these are in the exclusive jurisdiction of the provinces, not the federal government. Parliament could raise money by indirect taxation methods, and that mode was by excise and customs duties.

The Judicial Committee of the Privy Council's decision on Bank of Toronto v Lambe, 1887, set down the distinction. The JC of PC took a definition from John Stuart Mill and stated:

> Taxes are either direct or indirect. A direct tax is one which is demanded from the very persons who it is intended or desired should pay it. Indirect taxes are those which are demanded from one person in the expectation and intention that he shall indemnify himself at the expense of another; such are the excise or customs [duties] . . . he will recover the amount by means of an advance in price.

8:45

While there is much debate about whether it was the intention of the Fathers of Confederation to leave the provinces in an inferior status with only modest legislative powers, the Judicial Committee of the Privy Council rendered decisions on cases involving federal/provincial jurisdiction in the years following 1867 based on legal evidence, the intention actually expressed by words used in the BNA Act. This action was in accordance with the tradition of the British legal system. The pattern which emerged was that federally enumerated powers were construed narrowly most often and provinces picked up subject areas of doubtful or ambiguously worded jurisdiction.

At the outset of World War I the Borden Conservative government drew up and passed the War Measures Act, with sweeping powers especially in the use of orders in council. Matter defined as provincial areas of jurisdiction could pass into federal hands. Despite a national emergency Canada had taken that first step into a dictatorship. One of the areas which saw government intervention was the economy, and federal direct taxation began in 1916. A business profits tax was levied on businesses for revenue and to decrease businesses' profits. One year later, in July 1917, income taxes were introduced taxing incomes in excess of $2,000, which at that time few Canadians earned so there was no qualification. Nevertheless, what should have been a temporary measure stayed on the statute book even though it was unconstitutional.

The hardships of the depression of the 1930s, the increased need for unemployment relief, regional disparities, and adequate taxation bases have been cited as reasons for an extensive and so-called necessary shift in government functions and tax powers. The solution to the Rowell-Sirois report, 1940, was that the federal government assumed all provinces' debts, responsibility for unemployment relief, and paid a national adjustment grant to have-not provinces. The catch was that the provinces would surrender all claims to the field of income tax, corporation taxes, corporate income taxes, and succession duties. Initial discussions of the Rowell-Sirois report at federal/provincial conferences in 1940 and '41 showed a distinct lack of enthusiasm on the part of the provinces, especially the have provinces.

World War II then took attention away from those matters, while at the same time allowing once again extensive powers for the federal government by virtue of the War Measures Act. By means of the wartime tax agreements of 1941, the provinces had ceased to levy personal income taxes, corporation taxes, and all other taxes. The provinces had no other recourse but to agree to the Act as they were falsely led to believe the federal government had the right under emergency wartime conditions to interfere in provincial jurisdictions. In return for the lost revenues the provinces were to be paid rent, or tax rental payment.

Having acquired a taste for centralization and revenue manipulation, Mackenzie King's Liberals produced the green book proposals in 1945. The government wanted to arrange a permanent centralizing of powers and finance; however, King did not contemplate, intend, or see the need for any constitutional amendments to allow for such a transfer. The provinces, however, would not give up their share of direct taxes, but, undaunted, almost from the day the conference of 1945 was finished, federal authorities began to seek limited and piecemeal agreements within the provinces in particular matters.

A second tax rental agreement covering 1947-1952 was accepted by all provinces except Ontario and Quebec despite the unconstitutionality of the agreement both in terms of the infringement of provincial jurisdiction and the provision of section 94 of the British North America Act, 1867, which states that

> any Act of the Parliament of Canada making Provision for such Uniformity shall not have effect in any Province unless and until it is adopted and enacted as Law by the Legislature thereof.

For the provincial governments of the day to enter the agreements and to surrender their legislative powers, even if reluctantly or unadvisedly in light of their limited resources for cost-sharing programs, was not constitutional. Thus they can be accused of collusion with the illegal intention and actions of the federal government.

The very question of unconstitutional infringement and transfer of provincial legislative powers was ruled upon by the Supreme Court of Canada in a landmark case of 1950 and '51: the Nova Scotia interdelegation case, or Attorney General for Nova Scotia versus Attorney General for Canada. Seven of the nine judges affirmed the judgment of the Supreme Court of Nova Scotia that Bill 136, which contemplated the delegation of jurisdiction from the Parliament of Canada to the Legislature of Nova Scotia and vice versa, would not be constitutional since powers assigned exclusively in sections 91 and 92 would be interdelegated between federal and provincial legislative bodies. To quote from the Supreme Court of Canada:

> The Parliament of Canada and the Legislatures of the several Provinces are sovereign within their sphere defined by The British North America Act, but none of them has the unlimited capacity of an individual. They can exercise only the legislative powers respectively given to them by sections 91 and 92 of the Act, and these powers must be found in either of these sections.
>
> The constitution of Canada does not belong either to Parliament, or to the Legislatures; it belongs to the country and it is there that the citizens of the country will find the protection of the rights to which they are entitled. It is part of that protection that Parliament can legislate only on the subject matters referred to it by section 91 and that each Province can legislate exclusively on the subject matters referred to it by section 92. The country is entitled to insist that legislation adopted under section 91 should be passed exclusively by the Parliament of Canada in the same way as the people of each Province are entitled to insist that legislation concerning the matters enumerated in section 92 should come exclusively from their respective Legislatures.

The judges made a number of pertinent points. J. Fauteux said:

> No one has ever contended that a direct or indirect transfer of legislative authority – whatever be the name used to designate such transfer – is provided for in express terms under the Act, nor can it be implied without doing violence to the intent of the draftsman, to what is expressed in it and to the weight of judicial pronouncements available in the matter.

He went on to say:

> Had it been the intention of the Imperial Parliament to give to one legislative body the right to delegate to the other, the word "exclusively" in both sections would have been omitted.

Justice Taschereau commented that if various powers could be delegated from federal to provincial authority and vice versa, then the powers of both which had been

> strictly limited by the B.N.A. Act, would thus be considerably enlarged, and I have no doubt that this cannot be done even with the joint consent of Parliament and of the Legislatures.

J. Estey pointed out that "no express provision" existed in the BNA Act nor any possible implied provisions that the two bodies "were intended to act as agents one for the other."

8:55

This calls into question the constitutionality of the federal government's collecting income tax for the province or vice versa and the collection of the GST, again at both levels. Therefore, all subsequent tax-sharing agreements, '52-57, '57-62, '62-67, '67-72, are unconstitutional. Thus federal income tax collection is ultra vires, as is the famous GST. By section 92(13) of the BNA Act, 1867, regarding provincial jurisdiction over property and civil rights, section 92(2) regarding direct taxation, and section 94 providing the necessity of provincial legislation to validate any federal uniformity of laws, the GST is totally and blatantly unconstitutional. The government of Alberta in its own submission of March 12 and 13, 1991, to the Alberta Court of Appeal admitted and acknowledged that the GST was ultra vires. Furthermore, even if the Alberta Legislature were to adopt and enact a Bill fulfilling the requirements of section 94, the GST would still be unconstitutional by virtue of section 92(2) and 92(13).

There is no way to escape the truth. The federal governments have been perpetrators of unconstitutional acts, debasing the Constitution of Canada and, therefore, debasing and defrauding us, the Canadian people. Chief Justice Rinfret in 1950-51 said,

> In each case the Members elected to Parliament or to the Legislatures are the only ones entrusted with the power and the duty to legislate concerning the subjects exclusively distributed by the constitutional Act to each of them.
>
> No power of delegation is expressed either in section 91 or in section 92, nor, indeed, is there to be found the power of accepting delegation from one body to the other; and I have no doubt that if it had been the intention to give such powers it would have been expressed in clear and unequivocal language.

> Under the scheme of the British North America Act there were to be, in the words of Lord Atkin in The Labour Conventions Reference (1), "watertight compartments which are an essential part of the original structure."
>
> Neither legislative bodies, federal or provincial, possess any portion of the powers respectively vested in the other and they cannot receive it by delegation. In that connection the word "exclusively" used both in section 91 and in section 92 indicates a settled line of demarcation and it does not belong to either Parliament, or the Legislatures, to confer powers upon the other.

Under the statute the powers committed to Parliament and to the provincial Legislatures respectively, are, as already stated, exclusive. If, therefore, Parliament were to purport to authorize a provincial Legislature to exercise legislative jurisdiction assigned exclusively to the former, any exercise of such authority by the latter would, in fact, be an attempt to make laws in relation to a matter assigned exclusively to Parliament.

MR. CHAIRMAN: Just before you continue. You've now been speaking for 20 minutes. Our time was 15 minutes for each presenter, and you look like you have quite a large . . .

MR. BABINEAU: I have two pages to go.

MR. CHAIRMAN: Two pages?

MR. BABINEAU: Yes.

MR. CHAIRMAN: Okay.

MR. BABINEAU: Two and a half pages; I'm sorry.

MR. CHAIRMAN: Okay. Well, we'd appreciate it if . . .

MR. BABINEAU: I also heard other people up here speaking 24 minutes and 27 minutes.

MR. CHAIRMAN: I know, but I'm . . .

MR. BABINEAU: So I'm asking for the same grace.

MR. CHAIRMAN: Well, I'm giving it to you.

MR. BABINEAU: Fine.

MR. CHAIRMAN: But it looked like you had about 10 more pages to go. You've kind of reassured me, so carry on.

MR. BABINEAU: No. Those are just other things.

Consequently prohibited to the provincial Legislatures in the same way: if a provincial Legislature purported to authorize Parliament to legislate with respect to any of the matters enumerated in section 92, and Parliament attempted to act upon such authorization, it would similarly be attempting to make laws in relation to a matter assigned exclusively to the provinces.

During the argument in CPR versus Notre Dame, Lord Watson, with the apparent approval of Lord Davey, said:

> The Dominion cannot give jurisdiction, or leave jurisdiction, with the province. The provincial [government] cannot give legislative jurisdiction to the Dominion parliament. If they have it, either one or the other of them, they have it by virtue of the Act of 1867. I think we must get rid of the idea that either one or the other can enlarge the jurisdiction of the other or surrender jurisdiction.

Mr. Justice Taschereau expresses his views as follows:

> The Federal [government] cannot amend the British North America Act, nor give, either expressly or impliedly, to the local legislatures, a power which the Imperial Act does not give them. This is clear and has always been held in this court to be the law.

It is our contention that the only way a true, democratic Constitution can be developed is by full participation of the people of the nation, coupled with an elected council consisting of equal representation from each province across the land that would draft the Constitution, which the people would ratify or reject. This procedure must be allowed to continue, however long it takes, until it is approved and ratified by at least 75 percent of all eligible Canadian voters. The Constitution of Canada does not belong either to Parliament or to the Legislatures. It belongs to the country, and it is there that the citizens of the country will find a protection of the rights to which they are entitled.

In the Constitution Act, 1982, it is stated in section 52(1):

> The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

However, the unscrupulous government of Canada has chosen to dishonour the Constitution of Canada, to deny the principles of true democracy, and to abandon its responsibilities to the people of Canada in favour of a dictatorship-style government that caters to the demands of the power brokers, the bankers, and other types of big business who, in a cartel-like fashion, are the real controllers of this country, ruling by way of proxy through the powers unconstitutionally given them by the government of Canada in direct defiance of the Constitution of Canada, the British North America Act, 1867.

To take this matter still one step further, we feel it is our duty to inform the people of Canada that contrary to what governments would have us believe, it is not the people who elect the governments. Rather, the power brokers, the bankers, and other types of big business who, once again in a cartel-like fashion through their ownership of all that is of consequence including the news media, brainwash the people, the public at large, via deceit, lies, distortion, and slanted truths to help their party and candidates of choice, thus bringing about the engineered results: placing in power for another term their manipulated choices.

No, we do not have a constitutional crisis in this land. No way. But we do have a governmental crisis, and that's for sure: a governmental credibility crisis. We also have a truth and censorship crisis within the news media. The people of Canada must demand to be heard, and the people of every constituency must demand their right to the powers of referendum and recall. We the people must have the power to remove an elected official from office at any time during his or her term in office via the power of recall. We the people hire them, and it is we the people who must have the power to fire them. Government and all elected officers must be made responsible and accountable to the people. Furthermore, we the people must demand that the constitutional power of direct taxation be returned to the provinces where it constitutionally belongs and that all other unconstitutional taxations such as hidden and duplicated taxations be abolished at once. All provincial governments must take back their constitutional powers and accept their responsibilities to the people of Canada and their respective provinces.

With so many people across this land having been left crying and screaming out for justice that never came, is it any wonder that so many Canadians are leaving Canada with so many others openly advocating separatism? Is it any wonder that Quebec wants to break away from the unconstitutional governing of the government of Canada and its usurpation policies towards provincial jurisdictions? How can anyone fault or blame Quebec for wanting to be free of the corrupt acts, practices, and policies of the government of Canada? How can anyone with even a smattering of the truth and facts of the matter at hand possibly blame Quebec for wanting to break away from the dictatorial fanaticism of the government of Canada? Surely the time is now for all provincial governments to get off their knees and stop playing the servile role, for each is sovereign within its own sphere. None is a subordinate of the government of Canada, as someone would have us falsely believe. If there is to be a Canada at all, the dishonourable denial of our Constitution and its whatever must cease now and full recognition of our constitutional rights must be reinstated.

9:05

It should be drawn to the attention of all that when a government no longer speaks for the majority, when it loses the trust, confidence, and support of the people, it also loses its right to govern. Brian Mulroney and his Conservative government do not speak for the majority. They have lost the trust, confidence, and support of the people and thus the right to govern. A government that continues to govern under these circumstances ceases to be democratic and is governing on the political philosophy, methods, and principles of a dictatorship.

Frederick Bastiat in his book *The Law, 1850* stated the following:

> Let us now try liberty:
>
> God has given to man all that is necessary for them to accomplish their destinies. He has provided a social form as well as a human form. These social organs of persons are so constituted that they will develop themselves harmoniously in the clean air of liberty. Away, then, with quacks and organizers! Away with their rings, chains, hooks, and pincers! Away with their artificial systems! Away with the whims of governmental administrators, their socialized projects, their centralization, their tariffs, their government schools, their state religions, their free credit, their bank monopolies, their regulations, their restrictions, their equalization by taxation, and their pious moralization. And now the legislators and do-gooders have so futilely inflicted so many systems upon society. May they finally end where they should have begun. May they reject all systems and try liberty, for liberty is an acknowledgement of faith in God and His works.

Frederick Bastiat, *The Law, 1850*. We of Canadian Tax-Payers United wholeheartedly agree.

Thank you.

MR. CHAIRMAN: Thank you very much for the lengthy presentation, Joe.

In view of the hour and that we don't want to close off anybody who wishes to . . . Yes?

MR. DAY: One quick question, Mr. Chairman. Joe, in light of the 1950 case referred to, to your knowledge has any group like yours or any other since then challenged any provincial government for putting a sales tax on . . .

MR. BABINEAU: I'm challenging them.

MR. DAY: In court?

MR. BABINEAU: I'm challenging Richardson securities, who deducted $8.75 out of my account. I'm suing them.

MR. DAY: On the basis of this?

MR. BABINEAU: Yes.

MR. DAY: I'll be interested in that. I appreciate that information.

MR. BABINEAU: It comes up to court in April.

MR. DAY: Thank you. Which court?

MR. BABINEAU: The provincial court, I believe.

MR. DAY: Okay; thanks.

MR. BABINEAU: I also have a presentation. I don't have to get into it; each of you has this. It's on the Senate. You all have a copy of that that you might be interested in looking at.

MR. CHAIRMAN: We will make sure that the other members of our select committee also receive a copy. Thank you very much.

MR. BABINEAU: Thank you very much.

MR. CHAIRMAN: All right. It's after 9.

MR. DAY: Joe, your briefcase is on the desk.

MR. CHAIRMAN: Yes, take your briefcase.

Maureen Dawson would like to make a brief presentation.

MS DAWSON: My name's Maureen Dawson. I will speak on the Constitution. What we have is the Constitution being a binding factor. I think this binding factor should be that by justice, law, perhaps by order also. We're looking for humanitarianism in our leaders, perhaps exampled through morals. Mr. Mulroney does lend to this from time to time, where he goes off in his child development instigations through the UN, and there are other instances where he does lead to humanitarian displays. He also falls to the other side in his undiplomatic lendings to the military. That we've just been through in the Iraq situation.

It was happily afforded thereafter through the GST. It took eight Senators to pass that tax. The cost of that in 10 years is only $8 million; that's 10 years. You can't get rid of these guys, the Senators.

I mean, we've got to look at justice, the wants and needs of people. Mr. Mulroney casually makes between seven grand and 15 grand a week. A person can easily exist on $5,000 a year, easily. You have to be a bit educated, but this is life. Where can he find justice in accepting this sort of a wage? He is supposed to be an example-setter. What I'm seeing is that, yeah, that's a pretty standard wage, a hundred grand a year; you know, that's casual. But this is casual in that where this man is in a position to being set as an example. Well, that's standard, and that's accepted. But the thing is, it's not. There are many starving people out there. He can go out and afford his wife's wardrobe and more of his wife's wardrobe. Well, that's fine, but that's Canadian taxpayers' dollars. That's the way it is. A hundred thousand dollars is a lot of money. He can afford to sleep through whatever and whatever. His chair might be better set by somebody else.

The thing there is that we have to see needs and wants. Where we can collect these $100,000 cheques per year, we still have to understand that we are a very fortunate society where there are so many unfortunate people. You can scoff and you can laugh, but the fact is we are very fortunate. I sit under the poverty level. Would I be proud, but this is the fact. I sit under the poverty level, but in essence that is not the poverty level; the poverty level is those suffering from cholera and the likes of that in other countries, you know.

We can get to where we can just sit and, say, debate something for, like, 10 to 12 months. I mean, how can you possibly do it? How do we get away with it? What's the point? You go round and round in circles and nothing is accomplished. What it takes is another committee. Okay. Well, these little committees – we'll take Spicer's committee, for example. Twenty-seven million dollars in – what? – 10 months. Bam, it's gone. I mean, like, what's the point? What did we get out of it? Who knows? Who knows?

A few more public comments. The thing is that when we have a government, it should be the government overseeing the people, not the people overseeing the government. We don't want the government throwing their workload on us. I mean, I've got things to do. I don't want to be overseeing the government's job, and that's pretty much the case. I mean, you've got to watch that thing. You have to watch the government. Where you do see a fault and you try to get it through to them, there's no sense of communication. You know, from the people to the politicians, how do you get through? Try as you might, I don't know.

In Quebec if there is a problem or if there is not a problem, we should decided that. Maybe we should ask Quebec a question like: what is the problem where we can go off and afford these little committees, this one costing $100,000 per as long as it lasts? Quebec is – well, they've sort of termed it as a distinct society, but distinct or otherwise, I sort of think it belongs. Quebec adds to our culture. Culture is maybe the most important thing in our society. I don't think that in Canada to a large degree we recognize that fact, but culture is a very important part of this society. Quebec is the richest part of our Canadian society in that where a child first comes to distinguish that he is speaking a different language, he will inquire, and at that his first response to the question will be something along the line of Europe in the lines of France, you know, where they have all these fabulous artifacts and culture and all of it. So right off the bat you've got a child a little bit more in tune to the rest of the world.

Rounding up, where we can maybe do away with some of these committees, we can maybe afford some of that double language. For example, the signs duplicated. I don't really think it harms anyone. The benefit of having a second language – it's just beyond a doubt to the benefit of any to have the capability, the chance, the opportunity is what it is, to have the second langauge.

Just a few more brief notes here.

9:15

Again, the Senators are a permanent fixture. Once one sets into a government position, it's anywhere between four days and six years, as has been reported, that one is on a pension; we sort of lose a bit of money there too.

I guess I should maybe apologize to Mr. Mulroney for pointing him out like that; I mean not to, but I have. It's the government, and it's costing us billions of dollars, and that's crime. I'm afraid that is crime. We've got starving Africans; we've got flipping crying everywhere. There is war and there is more war and there is more desperation than you people want to admit to or even look at. War is. GST affords for it. We lend to the U.S. of America; we are Canada of America. I don't think we should forget it. That's U.S. of America, and where Mr. Mulroney and his government plays to Mr. Bush's war antics is wrong. We need some ethics, some morals. Where is murder legal but where George Bush says go out and kill? At that he did 270,000 people, no problem. We afforded $600 million to that damned war, and George Bush is saying, "That's right." It's not.

Okay; we've got red tape. I don't know if it's really red tape or if it's just a matter of laziness. Basically, if you don't want to look at something, you don't, but you can accredit it to red tape. The thing is there are laws, and some of these laws need reforming. That's where our politicians should be intact, in fact, rather than debating and squabbling in the Legislature and Parliament. You hear the name-calling and the waste of time, that it's costing the taxpayers dollars. It is costing the taxpayers dollars, and it isn't doing much else. Again, a debate for 10 months on something: what's the point?

MR. CHAIRMAN: Well, Maureen, I appreciate your thoughts. Since you were not on the list earlier, we have another gentleman who would like to give us some views, so if you could perhaps bring your submission to a conclusion, I would appreciate that.

MS DAWSON: Round it up. I thank you, and for your time I do thank you.

In medicare this is another fact, something that sort of needs to be looked at again. The point here is that medicare is not so much a necessity as that of education to avoid the need of medical attention. As has been quoted to me, the doctors will feed prescriptions to the patient in order to keep the customer coming back. It's just a matter of feeding their own purse again. All you need is the basic diet and knowledge of a basic diet, but here again the practitioners are only responsible for two years because that's the way the law is. I mean, if you're going to hand your life to somebody to work on and they're only responsible for it for two years, are they really responsible at all? That's the doctors.

Efficiencies. We're also looking at the U.S. and the Mexican trade roundabout, the trio thing there. Anyway, I'm just sort of wondering why we are so desperately seeking U.S. trade. They don't need it, we don't want it, yet we continue. It's like Mexico; it's like Africa. They so desperately need our favour and our trading capacities and our abilities, but we continue to lend to the great old American whatever it is. I think it's falling.

Anyway, I thank you for your time. I must apologize for being so harsh, but, I mean, points have to be made, and I'm afraid sometimes it can be that way.

MR. CHAIRMAN: Well, thank you very much.

MS DAWSON: I thank you too.

MR. CHAIRMAN: Stephen Kahn.

MS DAWSON: God bless. May God bless.

MR. CHAIRMAN: Thank you.

MR. KAHN: Oh, smile. I'm the last one, I gather; you can all go home after.

I only have three copies, but if you want to share.

MR. CHAIRMAN: We'll have copies made, so that's fine.

MR. KAHN: I'll be very brief.

MR. CHAIRMAN: Thank you.

MR. KAHN: Mr. Chairman, committee members, and audience, I'm going to zero in on one specific aspect. We've heard a number of submissions tonight, and you've heard dozens more. I, in fact, gave one last May. I just want to zero in on one specific aspect of it.

No one has ever taken the time to explain why Quebec or anyone else should be a "distinct society" or has explained what that term means. From the *Oxford English Dictionary* I gave this committee last May a definition – Mr. Schumacher was the chairman that evening – of the word "distinct." Out of something like 18 different definitions it was "different in quality or kind." I can assure you that Quebec does not mean "inferior" by it.

The answers from the federal government and from my MP as to why Quebec is a distinct society are nonexistent, and my MLA's explanation, when I cornered him, was disdainfully given to me as, one, they are different; two, they have a different language; three, they have a different culture; four, they have a different law. These things, if correct, might make them different but certainly not distinct. I can agree that they have a different language, but I reject the other differentiations. They watch TV the same as we do, only they watch it in the French language; we watch it in the English. They go to Place des Arts in Montreal; we go to the performing arts building here or the O'Keefe Centre in Toronto. Again, the difference is language. They do jigs; we do square dances. In terms of culture I do not see any difference. Therefore, I would say that unless we are all recognized as distinct, no one should get that designation. At best, in order to solve their insecurity, why not use the word "French," as in a French society, but not distinct.

Allow me to repeat what I said to this committee last May 24.

> There should be a statement that all Canadians are equal and should be seen as equal. There should be no distinct society, unique character clause for any group, as these terms have the connotation of better or superior and are reprehensible and unacceptable to many Canadians. Refer back to the *Oxford English Dictionary* I [just] mentioned at the beginning of this presentation. Of course, once exception: if you will ensure that put into the Constitution is a clause [that says], "Steve Kahn and his descendants are a distinct society,"

then I say fine. I don't mind Quebec, but obviously if I want it, you want it, you want it, and everybody else wants it. The point is that it makes us apart, not together.

> If the price we have to pay to keep Quebec in Confederation is to make you and me second-class citizens in our own country – and I contend that is what those words do – then I say the price is too high. If Quebec can't live as a province in Canada, albeit as the guardian of the French language and their culture, then it has to be sovereignty, not sovereignty association. I'm not going to have non-Canadian Quebeckers attending a Canadian Parliament and telling me what to do. We in Alberta should start talking to B.C. and perhaps Yukon to form our own distinct society and our own social and economic agenda.

That is the quotation from my previous one.

That is what I wanted to say.

9:25

MR. CHAIRMAN: Thank you very much, Stephen.

MR. KAHN: You're welcome.

MR. CHAIRMAN: We appreciate you coming forward.

Ladies and gentlemen, we will adjourn until tomorrow morning at 9 o'clock. Today we've heard 32 presenters. We have a full day tomorrow morning and afternoon, and we will thus wrap up our presentations here in Calgary and then carry on to Hanna, Wainwright. In Edmonton on Friday we shall conclude this interesting and challenging process. For all the members of the select committee I thank the audience for attending and paying such careful attention this evening.

[The committee adjourned at 9:26 p.m.]

9:09 a.m. Tuesday, September 24, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to commence the proceedings and welcome the folks who are here this morning. I'm Jim Horsman, the chairman of the committee and member of the Legislature for Medicine Hat. On my left, Pam.

MS BARRETT: Good morning. I'm Pam Barrett, MLA for an inner-city riding called Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, MLA, Camrose.

MR. McINNIS: John McInnis, MLA, Edmonton-Jasper Place.

MR. DAY: Stockwell Day, MLA representing Red Deer-North.

MR. SEVERTSON: Gary Severtson, MLA, Innisfail.

MS CALAHASEN: Pearl Calahasen, MLA, Lesser Slave Lake.

MR. CHAIRMAN: At the back of the room coming to the table now is our host MLA for Calgary-Buffalo, Sheldon Chumir. Good morning, Sheldon.

We're welcoming presentations this morning from a number of Albertans on the day in which there's been a new development in our constitutional quest: the release of the federal government's paper called Shaping Canada's Future Together, a set of proposals which are quite extensive and will require some pretty thorough analysis. For the benefit of the members of the committee and the public who are here, the first phone call I received on the subject from the news media was asking me for a complete position of the Alberta government on the paper. I had to decline any such instant analysis because it's going to take us some considerable time. One of the things that is important is that we will be part of the process of dialogue with Albertans and Canadians over the next five months, and this hearing this morning will be part of that process.

So I'll call on Nadine Carter first to make her presentation to us. Good morning. Welcome.

MISS CARTER: Good morning. My name is Nadine Carter. I'm a student at the University of Calgary working towards my bachelor of arts with a history major and a political science minor. I'm a fifth-generation Canadian and a third-generation Albertan. Therefore, I feel that I have a stake in Canada's Constitution.

Before I go any further, I'd like to commend the Alberta government for including all of Albertans in allowing them to make a presentation to this committee. It's certainly an improvement over the 1987 constitutional agreement, the Meech Lake accord, where at least to citizens it seemed as though 11 men got together for 20 hours to decide the future of Canada. Even though I disagree with the process, in principle I agree with the content and the principles that were in the Meech Lake accord.

I'd like to more specifically discuss distinct society, centralization, the amending process, education, environment, and Senate reform. As I've gone through the paper Alberta in a New Canada, I'm going to attempt to answer the questions asked in that paper.

First of all, Quebec as a distinct society. I've studied the Meech Lake accord specifically in many of my political science courses and one of my history courses. I never have understood the fuss that everyone made during the Meech debate between 1987 and 1990. In my opinion, all the Quebec is a distinct society clause says is that Quebec is different from the rest of Canada. They are different in that for the most part they speak a different language, they have a different culture, and part of their laws are different from us in their civil law. I recently heard the former Premier of Alberta, the Hon. Peter Lougheed, make a comment in one of my classes that when the issue of Quebec as a distinct society arose during his stint as Premier, the government went to their lawyers to get a legal opinion on this, and the legal opinion they obtained was that Quebec as a distinct society really meant nothing; it just stated the obvious.

As far as centralization of government, most people in Canada have strong feelings about this. There are two sides: one, centralization for a strong federal government; and secondly, decentralization which gives more powers to the provincial governments. One good thing about centralization is that it allows for continuity across the country, whereas decentralization allows for different policies or the potential for different policies. The bad thing about centralization is that regional and provincial concerns are not always implemented or discussed to their fullest, whereas in a decentralized state, regional issues are more prevalent and provincial rights at least can be heard more readily. I think that somewhere out there there's a happy medium on the issue of centralization. We just have to find the exact fit for Canadians today. I believe the bulk of the power should go to the provinces. That way regional concerns can be outlined and more fully discussed. We can't decentralize the federal government too much because that would allow for discontinuity amongst the different provinces, but we should use the federal government to unify Canada and to ensure the continuity of policies.

The amending process. All provinces must be equal and no province should have a greater say than any other. The best way to do this is public involvement such as this task force is doing across Alberta today. One thing that the Alberta government should do is take the comments and suggestions of the people who come to the committees under consideration when they're formulating the government's policy in response to the federal government's constitutional paper that came down this morning. I believe there should be joint hearings also in conjunction with the federal government so that each province can get to know what the other provinces' people believe and how they feel. The way I think this would be feasible is for a separate committee for each province to be formed and for a separate federal committee to be formed. The federal committee should stay the same across Canada to allow for continuity, so that at least some people are hearing everyone's concerns.

I also believe that a direct referendum approach should not be used for final decisions. My rationale for this is that the results would be dominated by central Canada, which of course wouldn't be absolutely wonderful for the west or the maritime provinces. The other thing is that if we look at past referenda in Canada, they have been dominated by central Canada. They have also caused deep rifts in our population which we're still paying for, from the prohibition referendum of 1898 and the conscription referendum of 1942. Canadians should trust their leaders that they democratically elect to make the decisions for them. There has to be a trust formed between the people and the people that represent them.

Education is very important in today's society. I believe that control should remain under provincial jurisdiction, but there should be a greater emphasis placed on communication between the provinces. Originally, education was given to the provinces in order to have local, provincial, and regional issues geared to the needs, values, economies, histories, and culture of the various provinces and the various regions of Canada. This is true today, that it should remain under provincial jurisdiction, because after all, Alberta has a significantly different history from that of Quebec, Ontario, or the maritime provinces, even though we share a common history with such provinces as Saskatchewan. This will be true as long as our nation exists. A greater amount of communication between the provinces and the federal government in order for standards in education to be universalized in the areas of math and science and areas dealing with the sciences should certainly be looked into.

9:19

The environment is becoming more and more important to Canadians. I believe this should come under provincial control when it's eventually decided, because it has a direct reflection and effect on natural resources, which are already in the provincial domain. Interaction, once again, between the provinces and the federal government must be maintained to ensure that policies are continuous across Canada, specifically geared towards the provinces, but there are some policies that must occur across Canada. One thing for certain is that provinces must have very strict laws regarding the environment, because after all we all have to live in the same place.

Senate reform, in my opinion, is the most important section of the constitutional talks for Albertans. The Senate was originally founded as a second House, a place of sober second thought, as a check on the House of Commons in order to present regional representation. However, the way it is set up right now, central Canada, Ontario and Quebec, dominates both Houses because their population is so vast. This makes the Senate not as effective as it could be because Bills are rubber-stamped and also because the Senate has very little power. The election of Senators, I believe, would lead to a more effective Senate. Equal representation would voice regional and provincial concerns more readily, openly, and, most importantly, concerns may be alleviated. The triple E Senate reform model is best for Alberta because it would give Albertans and Alberta as a province a greater say in national decision-making.

When Premier Getty and the Alberta government team sit down to the constitutional tables and the first ministers' conferences which will occur to bring us to a constitutional amendment which will satisfy the majority of Canadians, provincial rights must be upheld. We must not forfeit any of the provincial rights because that would weaken the provinces and weaken the regionalized say in government today. All provinces must be equal, and we must be advocators of national unity. One Canada must maintain objectives without giving up provincial rights and jurisdiction.

When I was looking at the Alberta in a New Canada discussion paper I became upset over the question of changing our status as a constitutional monarchy. I oppose this change because constitutional monarchy gives Canadians and Canada character and a sense of history; therefore, Queen Elizabeth of Canada must remain as our figurehead.

In conclusion, I'd like to say that it's wonderful to have an opportunity to speak with you. We must work toward one unified Canada without giving up too many rights as a province. Thank you.

MR. CHAIRMAN: Thank you very much, Nadine. You mentioned the one point, that there should be a continuing committee of the federal Parliament and committees at the provincial level. I wasn't quite sure from your presentation whether you believe that should be in place for this current round of discussions or whether it should be continuing.

MISS CARTER: For the future, continuing for the future.

MR. CHAIRMAN: Continuing. Right.

Just as a matter of interest, this committee will be meeting with the federal committee when it comes to Alberta. There will be hearings conducted at that time, in the next five months. Then as a result of the Premiers' agreement in Whistler at the Premiers' Conference, this committee will also be meeting with the other committees from other provinces.

MISS CARTER: That's great.

MR. CHAIRMAN: We have already met with one-half of the members of the Ontario select committee when they made a visit across Canada. So we're starting a process of some discussions, which is unique and I think will be helpful. I thought I'd give you that information.

MISS CARTER: Thank you.

MR. CHAIRMAN: Questions? Yes, Gary Severtson, Ken Rostad, Sheldon.

MR. SEVERTSON: Good morning, Nadine. There are a couple of points. One, you mentioned one of the main elements you think needs changing is the Senate. Do you think two out of the three Es would be enough, or do you feel all three Es would have to be done?

MISS CARTER: I feel that we should start out with the three Es. The equal is important, but if it won't work entirely, we could certainly use it as a bargaining point in the discussions. I'd like to see what the Prime Minister is talking about as far as a weighted Senate.

MR. SEVERTSON: Yeah; that would have to be [inaudible] too.

The other one: in these hearings we've held across the province, many Albertans have come forward with constituent assembly, which means a lot of different things to different people. I notice you mentioned that you felt that the present system of the provincial governments and the federal government are the people that should deal with constitutional change. What's your idea of a constituent assembly, or have you given it much thought?

MISS CARTER: Actually, I haven't given it very much thought.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Thank you.

Ken is passing, I understand.

MR. ROSTAD: Yeah, I'll pass. I just want to commend you on your presentation.

MISS CARTER: Thank you.

MR. CHAIRMAN: Sheldon, then John.

MR. CHUMIR: Yes; thank you. Nadine, you mentioned that there should be a balance between centralization versus decentralization. One of the issues we've been wrestling with is whether or not the federal government should continue in its present role of setting minimum national standards for medicare and social services with some funding and leaving the administration to the provinces, or whether that should be taken away from the federal government and just left with the provinces to agree amongst themselves.

MISS CARTER: I think certainly that minimum standards have to be continuous across the provinces, but the standards should be put specifically toward the needs of each individual province.

MR. CHUMIR: I'm still not clear. You're saying there should be minimum standards across the country?

MISS CARTER: Yes.

MR. CHUMIR: Do you support the role of the federal government in doing that?

MISS CARTER: Yes.

MR. CHUMIR: Okay. And you're saying: but there should be some room for variation. Is that what you mean?

MISS CARTER: Yes.

MR. CHUMIR: Yeah. Well, that's what we have now. Each of the medical systems and social service systems differs phenomenally. It's just in certain basics that they're common.

MISS CARTER: Yes.

MR. CHUMIR: Thank you.

MR. CHAIRMAN: John.

MR. McINNIS: I appreciate the research that went into your proposal. I think you're the first person who's discussed the prohibition referendum of 1898 with us. It takes us back a ways.

I was intrigued by your comments about provincial control over environmental matters related to natural resource development, and I appreciate that that's where a lot of the environmental issues arise. The difficulty I see is that sometimes the implications go beyond provincial boundaries of resource developments. Fish, for example, don't know whether they're federal fish or provincial fish. In fact, the Constitution doesn't know either; I mean, clams go in one area and lobsters go in the other. In some ways our Constitution is confused that way. I wonder if you don't perhaps see a need for a co-ordinating role between federal and provincial on environmental matters, or are you saying that it should go exclusively, in respect to approvals, to one level or the other?

MISS CARTER: I think the federal government and the provincial governments should work together to establish policies, but once again, they should be individualized to the various provinces. For instance, the maritime provinces would be more concerned with fish; Alberta would be more concerned with oil and gas.

MR. McINNIS: In some cases the federal and provincial governments get together and have a joint review of a project, a joint panel, and they come to a joint conclusion. Do you that's a good model?

MISS CARTER: Yeah; it should be able to work.

MR. McINNIS: Thank you.

9:29

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thanks. With respect to health care, you used the word "standards" several times. The document released by the government this morning provides . . .

MISS CARTER: I only heard half of it.

MS BARRETT: . . . a phrase that wasn't used here before. This was "objectives." Were you deliberately using the word "standards," or do you interchange that with the word "objectives", or do you have a preference?

MISS CARTER: Well, as far as minimum standards, minimum standards have to be set, but certainly the federal government should be able to issue objectives as well. You could use it both ways.

MS BARRETT: Okay. But you're specifying now that "standards" is a critical word here as opposed to "objectives." Would you say it's an optional word?

MISS CARTER: Yes.

MR. CHAIRMAN: Well, thank you very much, Nadine, for your thoughtful presentation this morning, and good luck in your studies.

MISS CARTER: Thank you.

MR. CHAIRMAN: Max MacCrimmon.

Garry will distribute those for you. Good morning.

MR. MacCRIMMON: Good morning.

Being a farmer, I'm somewhat unaccustomed to this kind of procedure.

MR. CHAIRMAN: Well, just relax. We're quite informal, and don't be nervous at all.

MR. MacCRIMMON: Over the last six months I've been moved to the point where I feel I must get involved in stating my opinion. I wrote a paper in May of this year that was forwarded to the committee, and the paper was in two parts. One was to promote the concept of what I call a clean-sheet approach to a Constitution; i.e., to write a new Constitution that reflects current needs rather than amending and rehashing an existing Constitution. As I see it, our existing Constitution is a monarchy style Constitution; it was written to entrench the interests of the monarch. In turn, that filtered down to entrench the interests of the establishment within this country. I think if you look at the statistics, you would find that well over 50 percent of the country is owned by 5 to 10 percent of the people.

I guess the philosophical question is that they own it by virtue of the fact that they have more money. That's not the definition of a democracy.

At any rate, the other purpose in writing the paper was to promote some of the writings of Dr. Robert Thompson and Cleon Skouson. Approximately 10 years ago they wrote a book entitled *Canada Can Now Adopt a Model Constitution*. It was based on starting from scratch and laying out and stating your beliefs. Once the country agrees to a belief system, then you can bring all your special interests to it to see if they're consistent with the belief system or not. If something is not consistent, then at that point you have the opportunity of rejecting it or amending it until it is.

The paper I did write, in reading it four months later, I would write differently now. I felt that the tone of it was perhaps too negative, that it appeared I was attacking the government. That was not my intention. My intention was to question the integrity of the whole political system.

I'd like to read one sheet, the prologue, into the record if I might. I have no specific recommendations for constitutional amendment. I don't think it's logical to make specific recommendations at this point, because what I see happening is that you're appeasing one group at the expense of another group. That's hardly an equitable contractual arrangement. At any rate, the prologue for the paper which was written afterwards goes as such.

Presently thousands of Canadians are putting their minds and hearts to work in an effort to draw up a new, improved Constitution of Canada. Every last effort I have seen has one thing in common: each party begins the task with a top-down approach. The special interests must be protected at all costs. Is there an alternative? I think there is. I think there is an alternative that is logical and whereby most, if not all, of the present stumbling blocks will literally dissolve themselves. This optimism extends to the French language issue, regional economic disparities, native rights, and the burgeoning federal debt.

Let us consider that the building of a new Constitution is analogous to constructing a high-rise tower. Everyone knows that the tower must start down in the ground with a solid, carefully designed foundation. So why don't we start our new Constitution in the same manner? This would involve the necessity of all parties temporarily setting aside their special interests, kind of like starting a journey without a road map. If you never had people in society willing to go on a journey without a road map, nobody ever would have gone into space, nobody would have discovered North America, and so on.

First, the foundation must be designed, agreed upon by the various engineers, and then put in place. We obviously cannot start at the rooftop, as the special-interest groups propose, and then work down. Okay. But can we agree on the foundation design? What features? The exact design is wide open. It is basically whatever the people of this country hammer out. You'll notice I said "the people of this country," because I am assuming the end result is truly a constitutional democracy.

Once the foundation – i.e., the underlying set of beliefs – is in place, then everyone is free to bring forth the specific features they desire. Each feature must be carefully weighed and considered to ensure it is consistent with the underlying principles already agreed upon. Those features inconsistent with the foundation must be set aside or resubmitted in an altered form in order to ensure consistency. So the process goes on in somewhat the same manner you might attach precast concrete panels to a structural steel framework. I sincerely believe this approach is capable of producing a new Constitution acceptable to 80 to 90 percent of Canadians. But first it is absolutely imperative to approach the opportunity from the bottom and build up.

9:39

Further to that, I'd like to read into the record the belief system that Drs. Thompson and Skouson developed. To me it appears very comprehensive, although I'm not implying it is a system to be adopted. It's a sample of what people can work out. This is the belief system set forth by Robert Thompson and Cleon Skouson.

> This Constitution and the laws related to it are structured on the basic premise of the Common Law, namely, that justice and the rights of mankind are grounded on the established order of natural law, which is of divine origin.
>
> No free people can survive under a system of constitutional democracy unless they subscribe to a strict code of morality and a fixed sense of individual responsibility.
>
> All mankind are created equal before God, equal in their rights, and equal before the bar of justice.
>
> All mankind are endowed by their Creator with certain inalienable rights, among which are the right to life, liberty, property, and the pursuit of happiness.
>
> The inalienable right to govern is vested in the sovereign authority of the whole people. Therefore no power or authority can be assigned to the Government to perform that which is not legal and proper for the people themselves to do.
>
> Officers of the Government, whether elected or appointed, are the servants of the people.
>
> The majority of the people may alter or abolish any government which has failed to serve them adequately or justly.
>
> The best form of government of the people, by the people, and for the people, is a constitutional democracy.
>
> A written constitution expressing the will of the people in concert with the principles of justice and natural law constitutes the best protection against the abuse of power, the destruction of freedom, and the human frailties of those who govern.

I'd just like to interject here. On occasion it's been fairly obvious that the federal government breaks the law and it's in flagrant violation of our Constitution. I spoke with the head of the Canadian Bar – well, not the head of the Canadian Bar Association but the constitutional subsection – about six months ago. His reply was: if you don't like it, go to the voter's box. I find that completely inadequate, because the way Parliament is structured, going to the voter's box – really, if the party elected has a majority in the House, all you're doing at the voter's box is stating your preference for which dictator you want. If there's a clear majority in the House, the opposition can do nothing to defeat a Bill other than slow it down.

So there definitely is, in my view, a lack of accountability in our government. I've also had two prominent politicians, Mr. Hawkes and Ken Hughes, assert to me in writing that the government has unlimited power. The government does not have unlimited power. I quoted constitutional decisions that state in no uncertain terms that the government's power is limited, but not according to our politicians.

Paragraph 10:

> Life and liberty are secure only so long as the rights of property are securely maintained.
>
> The highest level of prosperity and human happiness is possible only when there is a free-market economy and a minimum of government regulations.
>
> Each power granted to a governmental authority or agency (be it national or provincial) should be subject to a check by one or more of the other departments in order to provide a system of peaceful self-repair in case of usurpation or abuse of power.

> Only limited and carefully defined powers are delegated to the various levels of government, whether National, Provincial, or Municipal. Needed changes in the national charter should be by amendment. There should be no changes in this Constitution by usurpation, or by arbitrarily abusing the rights and prerogatives of the people.
>
> Efficiency and dispatch require the Government to operate according to the will of the majority, but there is no authority to violate the vested or inalienable rights of the minority, either individually or collectively.
>
> Strong, local self-government is the keystone to the preservation of human freedom and private rights.
>
> A free people should be governed by the principles of established laws and not by the whims of arbitrary discriminations of those in authority.
>
> A free people cannot retain their liberty unless they are made secure from the clear and present danger of their enemies, either foreign or domestic.
>
> To the greatest possible extent, a free nation should maintain commerce and honest friendship with all nations, but cultivate entangling alliances with none.
>
> The core unit which determines the strength of any society is the family; therefore the government has a fundamental responsibility to foster and protect the integrity of the family.
>
> It is recognized that the burden of debt is as destructive to freedom as subjugation by conquest.
>
> Each free nation has a responsibility to foster peaceful policies which encourage freedom in other nations. The ultimate objective should be an era when the people of the whole world can live in peace under their own freely elected governments.

That's the end of Dr. Thompson and Cleon Skouson's platform.

To this I would like to add that I feel the practice of usury – this is a very radical concept – should be abolished in its entirety, at least at the public level, and substituted with simple interest. My thought behind that is that if you consider your gross national product, which is a direct reflection on the country's ability to service its debt, it's a linear function. Now, it may wiggle around a little bit, but it's a linear function. If you consider the debt itself, it's an exponential function. A linear function cannot service an exponential function in perpetuity. It's simply a question of time until the system breaks down. It happened in the '30s, and it happens periodically during depressions and so on and so forth.

At any rate, I term this a clean-sheet approach to the idea not of constitutional reform but of writing a new Constitution. There is a lot of inherent resistance, which I can understand. To sort of highlight this resistance, I'd like to read a paragraph from a letter to Ken Hughes, the MP in my riding. I'd written to him:

> Similar to the enclosed paper, if you are an auto worker, you don't start building a new car by laying the roof panel on the assembly line and painting it! Similarly, it is not logical if even possible to build a new Constitution without first constructing a firm foundation. I suggest that twenty to thirty written statements of principles are all that are needed.
>
> There appears a great deal of the resistance to this approach in that even the style of government would have to be spelled out.

That's something radical there.

> This would eliminate absolutely all smoke and mirrors! All political parties would be forced to lay their cards (and hidden agendas) on the table. It would become perfectly clear as to whether our government was pushing for a constitutional democracy, a socialist style, a Monarchist style . . . a pseudo-democracy (as we have now), or more of a swing toward tyranny (totalitarianism). It is a shame that the people involved refuse to state their true intentions! The whole process makes me wonder who the politicians truly represent, the people at large and the Country or their own special (hidden) interests.

I didn't want Mr. Hughes to feel that I was attacking him personally. I went on to say:

> I wish to emphasize that these are my personal opinions and that no slight or disrespect toward yourself is intended. It is the integrity of the political system that is so sadly lacking. Take heart that you are in a position of power and are able to effect constructive change . . . if you choose to act!

9:49

Mr. Hughes didn't reply. He has replied to other letters, but he declined to reply to this one.

In kind of summarizing, I guess it's appropriate, being a farmer, that anything I do or say we think philosophically really has to be viewed as if you're spreading seeds. Some may germinate and grow in the near future, some may never, and others may lie dormant for many years and then germinate. It's like some philosopher said: any damned fool can see what's wrong, but it takes a wise man to see what's right about something. So you put the seeds forth, let them go free without expectation, and see what comes of it.

Thank you.

MR. CHAIRMAN: Thank you very much, Mr. MacCrimmon. Stock Day.

MR. DAY: Thanks, Mr. Chairman. Max, can you tell us – in paragraph 20 you say, "It is recognized that the burden of debt is as destructive to freedom as subjugation by conquest." Would you be amongst those who would be advocating for a constitutional requirement for balanced budgeting or that type of thing other than in national emergencies?

MR. MacCRIMMON: Oh, yes. It all comes with proper accountability and controls. If our present Constitution had stringent controls, we wouldn't be in debt.

MR. DAY: Thanks. When you talk about simple interest, again, would you see that as a legislated rate above which interest could not go? Is that what you're referring to?

MR. MacCRIMMON: Like I say, that's negotiable. You know, you set down your system of beliefs, and whether you want to legislate it or . . . The tone of Dr. Thompson's writing is that it should be determined by market forces, but to have you pay simple interest on your national debt is consistent with the gross national product. They run parallel, and they can go on indefinitely. But to be paying compound interest and your ability to pay is growing at a simple rate, it's like . . . I'm sure you've heard the old example of if Jesus loaned one dollar to a disciple on the day he died and the disciple agreed to pay him back at 3 percent compounded interest 2,000 years hence, the amount he would owe today is $47 trillion trillion; 4.7 times 10^{25}. There's not that much money on the planet. That's to repay a one dollar debt at 3 percent interest over 2,000 years. That illustrates the fallacy of compound interest.

MR. CHAIRMAN: John McInnis.

MR. McINNIS: Max, in your opening comment you mentioned the fact that 5 to 10 percent of the population owns more than 50 percent of the property in our society. This morning, as our chairman mentioned, the government of Canada introduced new proposals for the Constitution, which I regard as Brian Mulroney rolling the dice once again. One of the proposals there is the idea of putting the rights of property in the Charter of Rights and Freedoms. There's nothing about expanding rights of individuals particularly. I was intrigued by your proposal to put an end to usury or control of usury laws. Do you think that perhaps property rights in the Constitution might prevent that approach? If property has rights, then lenders have rights as well, and your usury laws would be struck down.

MR. MacCRIMMON: Well, there are constitutional lawyers in our society that will argue that even though property rights were specifically omitted in 1982, they're still inherent. Now, that's never been tested in court. I think property rights definitely have to . . . In a way, the British Constitution, where a British citizen can do anything that's not specifically prohibited by law, is a much freer system. But if we're talking about enumerating and codifying the items, if you don't have right to your own property, then who does it belong to? It belongs to the state, and that's totalitarianism.

MR. CHAIRMAN: Well, thank you very much, Mr. MacCrimmon. I had the advantage of reading Dr. Thompson's work back almost 10 years ago, and that, of course, was produced at a time that there was a considerable debate in the country about whether or not to adopt the Constitution of '81-82. I appreciate you bringing that again to my recollection.

Thank you for your thoughtful presentation.

MR. MacCRIMMON: Thank you.

MR. CHAIRMAN: Andrew Bear Robe. Welcome back, Andrew. Not so long ago we sat at the same table, but the composition of the table has changed somewhat since then, and we now have all-party representation. We look forward to hearing your comments today.

MR. BEAR ROBE: Thank you, Mr. Horsman.

MR. CHAIRMAN: Are those copies for us?

MR. BEAR ROBE: Yes.

MR. CHAIRMAN: Okay. Thanks.

MR. BEAR ROBE: Before I start, I must apologize that my official presentation today I've not had time to get typed, but what I will do is send it into your office this week. I'll have it typed today, and if you would bear with me, that is another one of my publications which you can keep as a souvenir. It's been autographed. So that's what I leave with you today, but please don't read it when I'm talking.

Today I bring with me sweet grass, the food of the buffalo. The sweet grass signifies our sense of spirituality, our sense of peace and friendship. Whenever an Indian elder or an Indian leader speaks, usually sweet grass is present.

Today I'd like to touch upon a conceptual ideological topic that I call treaty federalism, which I believe is a concept which will serve us well for the entry of Indian First Nations into Canadian Confederation. My presentation today is divided into mainly three parts. The first part deals with the rationale for Indian governments in Canada today. The second part deals with the practical meaning of Indian First Nation governments in Canada. The third and final part of my presentation deals with the concept of treaty federalism.

It is indeed an honour and a privilege for me again to be able to address this august body of men and women gathered today to consider what may keep our country together. I speak to you as an Indian leader from the Siksika Nation and also as an executive member of the Indian Association of Alberta. However, my views and opinions are my own and do not necessarily represent the position of the Siksika Nation nor the IAA.

Today I wish to address only one of the several pressing aboriginal constitutional issues that we would all, as Canadians, like to see resolved soon. That issue that I will deal with concerns the aboriginal right to self-determination or, if you like, the aboriginal right to self-government. I will not touch upon the other major issues dealing with Indian land claims. However, I wish to make it abundantly clear that those several aboriginal issues are not new, emerging constitutional issues such as Quebec's demands for a distinct society status nor Alberta's demands for a triple E Senate nor Ontario's demands for a new social charter in the Canadian Constitution.

9:59

The issue that I wish to address today is as old as the European claim of discovery of North America itself. In order to fully appreciate this age-old issue, we must consider it within the proper historical context. Without a proper historical backdrop, the comments I will make today may seem to be outrageous and presumptuous positions to the average Canadian. Indian leaders have been voicing these same concerns at least since the end of World War II. The difference today is that Canadian society is just beginning to take our concerns more seriously, but that did not come about as a result of pure goodwill nor a heavy dose of moral persuasion. Rather, Indian First Nations in Canada had to do some pretty hard and constant political lobbying both within Canada and outside Canada. We have all witnessed the international attention that has been drawn to the Oka crisis of last summer, when the Mohawks confronted the Quebec provincial police, and the recent fight over the Great Whale hydroelectric power project in northern Quebec between the James Bay Crees and the Quebec government. It is not surprising to me that a lot of the major problems today stem from the province of Quebec, because that province has never respected native rights and continues to act as if Indians did not exist in northern Quebec.

The Supreme Court of Canada also helped in the process of eloquently highlighting aboriginal constitutional and legal issues to new heights of legal respectability. I am referring to such landmark cases as Calder v AG/B.C. 1973, which acknowledged the existence of aboriginal title within the English common law. The Guerin case of 1984 established that the federal government has the legal obligation to act in a fiduciary manner when dealing with the aboriginal peoples' interest in their lands. The Simon case of 1985 said that treaties and statutes relating to Indians should be liberally construed and uncertainties resolved in their favour. The Sioui case of 1990 held that pre-Confederation treaties made with Indian nations, such as the 1760 Huron treaty with the British, remain in full force and effect until the Indians themselves decide and consent to terminate such treaty relations, even though the federal or provincial governments – and Quebec in this case again – may have acted in a manner contrary to those treaties.

The Sparrow case of 1990 was the first high court decision dealing with section 35(1) of the Canadian Constitution regarding treaty and aboriginal rights, and it held that the aboriginal right to fish for food takes precedence over commercial and recreational fishing. It also stated that section 35 of the Canadian Constitution has changed the way the courts should deal with aboriginal law in Canada and that the federal government cannot pass any law infringing upon treaty and aboriginal rights which breaches its fiduciary obligation to the Indian peoples.

This brings to my mind the words of Dr. Lloyd Barber, the federal land claims commissioner under the Trudeau government, who stated not so long ago, in 1974:

> I cannot emphasize too strongly that we are in a new ball game. The old approaches are out. We've been allowed to delude ourselves about the situation for a long time because of a basic lack of political power in native communities. This is no longer the case and there is no way that the newly emerging political and legal power of native people is likely to diminish. We must face the situation squarely as a political fact of life, but more importantly, as a fundamental point of honour and fairness. We do,

> indeed, have a significant piece of unfinished business that lies at the foundation of this country.

So let me now turn to this significant piece of unfinished Canadian business that lies at our national foundation. I will now address the issue of the rationale for Indian governments in Canada today. The issue of the establishment of aboriginal governments within Canadian federalism is indeed a very complex constitutional, legal, and political issue. The issue is exacerbated by unavoidable public misconceptions, unfounded fear, and, I would say, racism and lack of proper information. But let met tell you that it is not an overbearing, nation-threatening, nor overly ambitious constitutional position, as Quebec's demands for a distinct society status or even outright separation from Canada as being proposed by Jacques Parizeau and his Parti Québécois.

As an aboriginal leader from Alberta I cannot find any reason to agree with Mr. Parizeau's vision of a divided Canada. It is both unthinkable and treasonable. However, I do agree with Matthew Coon-Come, the grand chief of the Cree of northern Quebec, that if Quebec decides to separate from Canada, it cannot take the Indians with it because they are protected under federal laws and are a pristine and cogent example of exclusive federal responsibility and jurisdiction. Quebec cannot separate from the rest of Canada when there are major land claims for a majority part of Quebec where Indian lands have never been ceded by any treaty. Both the James Bay and Northern Québec Agreement of 1975 and the Northeastern Québec Agreement of 1978 are federal and provincial shams.

It is very apt that the very name of our beloved country that we all call Canada is derived from the Huron language. Canada comes from the Huron word "kanata," meaning a village or a settlement. Jacques Cartier himself, the father of New France, in 1535 referred to the province of Canada to mean the area subject to Chief Donnacona, the Huron chief at Stadaconna, the present site of Quebec City.

Without going into a long historical journey, suffice it to say that the earliest European visitors and settlers in Kanata recognized and acknowledged the ownership and jurisdiction of Indian nations over their traditional lands. That is why King George III of Great Britain issued the Royal Proclamation of 1763.

10:09

During the 1820s and 1830s Chief Justice John Marshall of the U.S. Supreme Court, in a number of landmark Indian rights cases, laid the juridical foundations for Indian sovereignty in what was once British North America and at a time when Indian lands were referred to as the Indian territory or Indian country. In his judgment in the 1932 case of Worcester v the State of Georgia he stated:

> . . . The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial . . . The very term "nation," so generally applied to them, means "a people distinct from others." The constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense.

Our first Prime Minister, John A. Macdonald, also knew and observed the need for treaty-making in order to obtain Indian lands to settle what was then known as the North-West Territories, out of which the prairie provinces were carved after the turn of the century. In writing to Edgar Dewdney in 1883, the Indian commissioner for the Blackfoot tribes of the old North-West Territories, Sir John A. stated:

> The original treaties of surrender with the Indians are with the Nations and can therefore be dealt with by the Chiefs. But when a specific Indian Reserve has been established, each Member of the Band has a legal interest in the Reserve, a title in fact, of which he cannot be deprived without his assent.

Therefore, the rationale for the recognition and establishment of Indian governments in Canada today rests upon some notion of residual domestic and internal Indian sovereignty, but not absolute sovereignty and independence.

The Indian First Nations do not accept the argument that our right to be self-determinant must be through some sort of federal or provincial delegation of powers. Indian First Nations maintain that Indian laws must come from our own sense of spirituality, our customs, traditions, and values, and that they must be accommodated within the present structure of Canadian federalism. Indian First Nations had no input, no consultation, no sense of ownership of federal and provincial laws, which were all forced upon us, especially the much despised federal Indian Act. If I were to characterize the notion of residual domestic and internal sovereignty, I would refer to it as protected sovereign status within Canada. The notion of protection is to be found in the Royal Proclamation of 1763, which is part of the constitutional law of Canada and is certainly referred to as the original charter of Indian rights.

Now, to turn to the practical meaning of Indian First Nation governments in Canada. First of all, let me state what they are not going to be like. Indian First Nation governments will not attempt to create their own armed forces nor create their own currency nor establish high commissions in foreign countries. They will certainly not attempt to tear apart Canada. Many of our fathers, brothers, and sisters fought in the two great world wars to maintain western democracy, our collective freedom as Canadians, and the integrity of our nationhood as Canadians. This sentiment is still strong today.

Indian First Nation governments will enact laws similar to any other responsible and democratically elected Canadian government. The laws enacted by our governments will be for our own people and for our own lands, nothing more and nothing less. Indian First Nation governments already exercise self-government in many areas, such as social assistance, child welfare, education, taxation, policing, health, and several others. Other areas being considered by an Indian First Nation, such as the Siksika Nation, include matters such as transportation, administration of justice, environment, natural resources, local trade and commerce, to name a few. Therefore, Indian First Nation government arrangements, either through a constitutional amendment to recognize and acknowledge the aboriginal right to self-government pursuant to sections 35(1) of the Canadian Constitution or through some other means, such as special federal legislation, will merely make official what is being done unofficially, at least as far as the Siksika Nation is concerned.

In a federal country such as Canada, and the United States of America as well, we practise the notion of shared sovereignty between a federal government and the provincial/state governments. Within Canadian federalism it is not a far-out, radical notion to establish an Indian First Nation Crown in addition to the federal and provincial Crowns.

I do not envisage that all 542 presently existing Indian bands in Canada will opt to exercise individual self-governing powers. Certainly a large tribe like the Siksika Nation can entertain the idea of exercising self-governing powers in its own right. Other, smaller tribes may opt to form regional or district governments, depending upon their human and financial capacities. Still others may want to remain under federal control pursuant to section 91(24) of the Constitution Act via the Indian Act.

Now let me turn to treaty federalism. Protected sovereign status for Indian First Nations in Canada could become a possibility under the constitutional concept of treaty federalism. Under that concept Indian First Nations would be able to exercise their residual, domestic, and internal sovereignty and inherent rights, such as the right to self-government. The term "treaty federalism" was coined by American native lawyers Laurence Russel Barsh and James Youngblood Henderson in their 1982 book entitled *The Road: Indian Tribes and Political Liberty*. According to the authors, the primary object of treaty federalism is aimed at securing internal tribal sovereignty under long-established constitutional principles governing United States federal/Indian relations. They also perceived treaty federalism as being consistent with liberal and democratic principles that characterize western political societies; i.e., consent of the governed, representation in the Congress or Parliament, political pluralism, and the will of the people being paramount. Treaty federalism, in essence, is another way of describing the historic and special Indian/federal relations since earliest colonial times, only this time it takes those special relations into the 20th century political ideology. The concept is especially helpful for the creative establishment of internally sovereign tribal governments in circumstances where conventional statehood or provincehood would be politically and constitutionally inappropriate.

10:19

Barsh and Henderson describe treaty federalism as follows.

> Treaty federalism is not an entirely novel idea. It simply reinterprets the sources of federal Indian law to be more consistent with our general political and ideological heritage, and in a way reconcilable with the realities of tribal survival today . . . The tribe in its treaty submits to federal supremacy, ceding a portion of its sovereignty. What it cedes is somewhat more or less than a new state [or in Canada, a province], perhaps also somewhat different. In any event, the acceptance of the cession requires no compensatory alteration of the general government.

Time does not allow me to go into any more detail and depth regarding the notion of treaty federalism. Suffice it to say that it is entirely possible to enter into new treaty arrangements between the federal and provincial governments in order to implement and operationalize internal Indian sovereignty and Indian self-governing powers.

In Canada we have 15 major land cession treaties spanning the years between 1850 and 1923. Those instruments are silent as to the continuation and existence of Indian governments. It is time that we revisited what has served both Indian nations and the Canadian government in the past, even though the benefits all accrued to the nonaboriginal society. Perhaps this time it will be our turn to get a better cut in the deal.

The recommendations that I would like to present to this special select committee are that the province of Alberta needs to establish linkages with Indian First Nation governments like the Siksika Nation in areas of sections 92 and 93 powers, particularly in areas of education, health, social assistance, policing, and so forth. Secondly, the Alberta government should establish a structural mechanism to deal with Alberta Indian relations to work on relevant constitutional issues as they pertain to a provincial jurisdiction. There has to be a dovetailing of Indian First Nation powers with provincial jurisdiction as well as, not mentioned, federal jurisdiction.

That's the end of my comments today. Thank you very much.

MR. CHAIRMAN: Thank you for your comprehensive proposal further to the discussion we held with the task force, which is part of our background material as well, Andrew. I appreciate your thoughtfulness. Due to the length of your presentation it's going to be a little difficult to have extensive dialogue with you, but Pearl would like to comment, and John McInnis.

MS CALAHASEN: Three questions, if I may, Mr. Chairman. Actually, I want to make a comment, first of all. Canada, you said, in Huron means "small villages." In Cree we claim Canada means "a clean nation," or "a clean country." I just wanted you to see the different views.

Going on that, the views of sovereignty amongst the different bands are totally different, even in our own province and even in my constituency. You brought out some ideas as to how that can be dealt with in terms of what we do regarding sovereignty issues. Maybe different bands have different ideas as to what could be done. I just wanted to know: what process can we use to ensure that we get the views of the Indian people, to get the collective thoughts relative to self-government?

MR. BEAR ROBE: I think the parallel process established by constitutional minister Joe Clark and the grand chief of the Assembly of First Nations, Ovide Mercredi, is a very good start. I would hope that that process will include the Metis and Inuit so that we will establish our own form of constitutional consultation with our own people, to have their report and recommendations coincide with the national unity task force report, which I understand will be made available very shortly.

MS CALAHASEN: I think that on a national scale, that's excellent. But on a provincial scale what we've tried to do is hold meetings, or at least we've written letters to the various leaders to see whether or not they would like to meet with us on the constitutional issue. To date I don't know if we've received any . . . We have?

MR. CHAIRMAN: The Indian Association and the Native Council have now indicated that they would like to engage in that discussion. So we're basically waiting to hear from the Metis Association of Alberta.

MS CALAHASEN: Is that a process you feel is something where we can start to address the differences that occur and come up with some sort of a focus?

MR. BEAR ROBE: Yes. That was my concluding comment, that I would hope that the province of Alberta will establish some kind of a process or mechanism, an Alberta-made aboriginal constitutional process whereby we would consult with our own population to bring our thoughts more focused and to achieve some kind of a common front, I guess, in how we're going to deal with our future survival within the new Canada which we're all talking about today.

MS CALAHASEN: Thank you.

MR. CHAIRMAN: Thanks very much, Pearl.

Yes, John McInnis.

MR. McINNIS: I'm sure you know better than any of us that the concepts of Indian self-government have become something of a political football over the past 10 years: many meetings, many discussions, very little progress because it is said that Indian self-government has to be defined to the satisfaction of all the participants. This morning the government of Canada announced a proposal that there would be, essentially, another 10 years of this, another 10 years of kicking the idea around, perhaps leading to an agreement, perhaps not, and thereafter it would be left up to the courts to define Indian self-government. Do you have any reaction to that proposal? I would understand if you wanted to take time to think about it, but perhaps, if you do, you'd like to share it with us.

MR. BEAR ROBE: I don't think it has to take 10 years. I think all it requires is that the political leaders of our country – and I'm talking about the federal and provincial first ministers and various ministers responsible for the Canadian Constitution – and also our aboriginal leaders sit down and come to some kind of agreement in principle to implement aboriginal self-government. I think to say that it will take another 10 years is a stalling tactic.

As far as leaving it to the courts, I think that is not the route which aboriginal leaders want to take. They want a political, negotiated form of aboriginal self-government hammered out in a forum such as this. It doesn't have to be left up to the courts. Like I mentioned in my presentation, a First Nation like the Siksika Nation is already exercising a mild form of self-government, albeit under the Indian Act, but we are stretching our self-governing powers to that limit under the Indian Act. Therefore, we have chosen to pursue a process which we call a community-based self-government process, whereby we will build special federal legislation to implement our self-governing arrangements, similar to the Sechelt Indian Government Act, only this time it is going to be called the Siksika Indian government Act. We would have to eventually sit down with the provincial authorities at some point in our negotiations and discussions.

MR. McINNIS: Thank you for your insight. I didn't want to mislead you on one point: I don't think it has to take 10 years. It's just that if there is no agreement within 10 years, then it will go to the courts. That was the proposal.

MR. CHAIRMAN: Andrew, I very much welcome your presentation this morning. One of the key elements in it is your suggestion that we must sit down together, with the federal government, the Indian governments, and provincial governments together. We can't do it separately. That, quite frankly, as I've said before, is a major shift from the position taken up to 1987 by the Assembly of First Nations, which then said, "We will not talk to the provincial governments." I always said that that won't work. All three levels must sit down together and work out the deal. Then, when it's satisfactory – and it could vary substantially for the Siksika Nation and the something in British Columbia – it may be quite a different deal to suit the individual circumstances.

I very much appreciate your presentation and your willingness and desire to work with us to find the appropriate form of self-government that will work for your people, because that's really the key element that we need to achieve.

Thank you very much, Andrew.

10:29

MR. BEAR ROBE: Thank you very much.

MR. CHAIRMAN: I call on William Partridge, please. Good morning.

MR. PARTRIDGE: Good morning, Mr. Chairman, and members of the committee. Just by way of preamble, when I was doing my workout this morning, I witnessed the Prime Minister bringing down his statements in the House. On the way over here to make a presentation to this committee, this button separated itself from my blazer. I have to wonder out loud, tongue in cheek, if that's an omen.

MR. CHAIRMAN: I hope not.

MR. PARTRIDGE: I also must apologize. I did have a presentation copied for all of you. It was brilliantly written, thoroughly researched, and a lovely presentation. I set it aside last night, at 2 o'clock in the morning: "I've finished this." What I really want to do is just talk to you. I'm a citizen of Canada. You've got an important task ahead of you, and I just want to tell you what I feel. Having done that, I'll have done my part; then it's up to you and others like you.

First of all, I'd like to say by way of appreciation that it's a good thing that members of the Legislature are doing, getting out and finding out what people think. As I said just a few moments ago, it's an important task at hand, and we've got to do it. What I have to say today is strictly my own personal point of view and is not a representation on behalf of any group or organization that I may be associated with. I have a number of points to make, and I shall endeavour to make them within the allotted time. More than anything I hope that my comments may be thought provoking and make a contribution to this process of constitutional reform.

What our nation is going through at this time, in my view, is a period of self-discovery. Unfortunately, it is most likely too late for a long-lasting cure, though I sincerely hope it isn't. What we're likely to experience is a lengthy, painful, if not gut-wrenching process of emotional debate. The issue is: are we capable of restructuring Canada into a form which will assure its survival? I'm not highly optimistic, although I would really like to be.

As an approach to finding a solution to our national problem, we've got to first define what that problem is, and I fear that a lot of people are going to spend a lot of time running around finding solutions to problems which we haven't defined. We must determine where we are going as a nation. What are we all about? A clear definition of Canada and a Canadian, in my view, is elusive.

Our country is in a shambles from a number of perspectives. Let me just go over a few. The population in Canada, I believe, harbours tremendous distrust of its institutions: government, politicians, police, church, schools, the law, and the legal system. They're all suspect in the minds of the people. Each in its own way has failed us. There are many examples which can easily be called to mind. I'm sure we can all think of them. What this tells me is that there is a need in the country for what I'll call a moral renaissance. Institutions must be worthy of trust, for without trust, by definition there can be no respect.

Our societal systems are without balance. There's no balance in the power alignments of the national government structure. It is possible under the current system that one political entity can exert significant political influence over the other entities. The partnership, in a word, is not equal. The proposal for something like a triple E Senate is a move in the right direction, but I don't think it's enough. There is a constitutional imbalance through the Charter of Rights and Freedoms, well intended I'm sure, but it needs a counterweight; for example, a charter of duties and obligations. All our contracts are bilateral, so why not this social contract, the Charter of Rights and Freedoms and the charter of duties and obligations, a balance?

Canada has suffered long from a leadership vacuum. There appears to be no one at the helm as if to say, "Follow me, boys; here's where we're going." If we had to set national goals, national objectives, perhaps we could foster a national harmony. For example – and this is totally arbitrary – if we set a goal that Canada will become the world leader in long-distance, high-speed transportation technology, it would send a clear message to other systems in our society of where we're going and what is expected of them. I would suggest it would unleash powerful forces, and we would accomplish those goals. There are so many things that Canadians have done and can do better than anyone else in the world. What we've failed to do is grasp those resources, channel our efforts, and do it. In the absence of genuine leadership we have promoted by default a system which fosters regionalism and factionalism, and that's the problem we're coming to terms with right now.

We need, I think, to promote a Confederation based on equality of the partners, one based on trust and mutual respect. The concept of distinct society is wrong. "Distinct" by definition imparts inequality. This concept should be rejected. It is not acceptable to base a partnership on an imbalanced relationship. If we choose distinct society as a condition to restructure the confederacy, I think we're doing nothing more than laying the foundation, in stone, of the country's ultimate demise. Distinctiveness conjures up the notion that everybody is equal but some are more equal than others. Will a distinct partner receive a distinct interpretation of the Constitution, or will it apply the law of the land in a distinct way? If we are to have a legitimate national unity, we must base it upon the concept of national oneness. The playing field for all partners must be level.

What would a restructured Canada look like? To be honest, I don't know. However, when I look at Canada from a purely intellectual perspective, emotionalism totally set aside, I see no reason why a trilevel system of governance should exist. When we look at the map, we see the second largest national landmass in the world, but let's analyze it realistically: 90 percent or thereabouts of the population lives within a hundred miles of the border; 80 percent or better live in urban areas. The dimensions of the country are, in effect, 100 miles by 5,000 miles, or the metric equivalent thereof. It's kind of like a horizontal Chile. The natural order is probably something organized along the lines of natural or economic regions rather than the provinces as we now know them. That's not going to please a lot of people. Of course, that's the problem. Everybody wants the power, no one wants to relinquish it, and everybody has difficulty sharing it.

It will be an enormous challenge to reorganize Canada's economic districts. The current round of constitutional discussions probably has more to do with Quebec than Canada. There is absolutely no doubt at all that Quebec is emerging as a nation-state. This certainly is and has been the long-term trend, to gain sufficient political and economic strength. It is now able to exert enormous influence on the political process. To its credit, Quebec has come to terms with its identity and has become very assertive in buttressing that identity. The rest of us don't know where we are. Collectively we don't know where we are. In many respects Quebec is in the driver's seat. It knows where it's going and dearly wants to get there. This is more than we can say about the rest of the partners.

A restructured Confederation should be accountable to its constituents. Nothing except elections every five years or thereabouts requires governments to be accountable, and even then it's not a fail-safe system.

10:39

The Fraser Institute recently reported two interesting findings: one, that on average Canadians pay 53 percent or thereabouts of their earnings in taxes; and two, the families with combined incomes of about $43,000 receive more in social benefits than they pay in taxes. Imbalance. There's a message in there. Our society is in danger if this imbalance continues. A saturation point has been reached. We cannot permit ourselves to live and spend beyond our means. We are borrowing to pay the interest for programs that we originally had to borrow money to pay for, and that's not right. We have mortgaged our children's futures, possibly those of our grandchildren. When they come of age, it is not out of the question that they will object to the assumption of a crippling debt load, and this suggests that the seeds of a significant social readjustment have been sown. It's only a matter of time. There needs to be a constitutional adjustment which protects citizens against spendthrift government. At this point there are none that come to mind. Such specific limitations on spending will send a clear message to the country and at the same time add to the notion of balance in society. This is a case of balance in the budget.

The concepts of biculturalism and multiculturalism as they're currently in place, in my mind, have failed, and these need to be abandoned. What needs to be put down in its place is the promotion of Canadianism, the concept of oneness. Multiculturalism has done nothing more than drive wedges between various groups in the country at the expense and the sense of nation. As I said earlier in my remarks, we have systematically failed to come to terms with our own nationhood, and by default we've evolved into a cultural potpourri which no one, and least of all ourselves, is able to comprehend.

Let's summarize. Sir Wilfrid Laurier said in about 1910, as I recall, "The twentieth century belongs to Canada." He was correct. It was a young country with abundant resources and a growing population. There was every reason for his prophecy to become true. However, he did not anticipate the political shortcomings of the nation. A succession of governments stymied by their own ridiculous sense of national inferiority systematically screwed it up. We squandered our national birthright to the point where we are little better than a high-latitude banana republic, and that's a shame. Now, as we enter another round of national navel-gazing, we appear to be more concerned about the form rather than the substance. This is little more than a band-aid solution when major surgery is required. It's a strange land, and there's no doubt about that. In some ways perhaps it's the country that never should have been, but here it is, good, bad, or indifferent.

The job of fixing it belongs to all of us. This is one of those jobs that takes courage, wisdom, and, most of all, vision; in other words, leadership. Moreover, we must do what's right. Quick fixes, political expedients are simply not enough. Solutions perceived to win the next election would be morally incorrect at this time, and I believe the electorate will see through it. We need intellectual honesty in these discussions. The plague of political survivalism must be set aside, for there's just simply too much at stake. We need a constitutional balance, a societal balance, and an economic balance to put the country at ease. A partnership out of balance, in my view, is simply not a partnership at all.

MR. CHAIRMAN: Well, thank you very much, Mr. Partridge, for your comments.

Are there questions members of the panel would like to pose? Let me just try something on you. The word "distinct" relative to Quebec is one that's being advanced again today, and without commenting as a definitive position on the federal government's proposal, what they are proposing to do is define the word to language, culture, and civil law. Basically those were the three things which were guaranteed to Quebec after the conquest and in effect entrenched in the Constitution of 1867. The Civil Code, for example, is quite distinct from the British common law system which the rest of the provinces enjoy. Are you suggesting that those things be removed from the province of Quebec: language, culture, and the Civil Code?

MR. PARTRIDGE: Am I suggesting that they be removed? Well, let's examine first of all why they're there. As I recall the year 1759, the Quebec Act that emanated from the conquest, as I understand the history, was a political expedient. The conquering armies had greater priorities in Europe at the time and, simply put, the British military cut a deal with the French-Catholic clergy to guarantee their position as administrators of that land. That situation existed until the end of the Duplessis regime, I believe, in the '60s. I think if we say that we are equal, and what you have now is what you proceed with . . . When I came into the world, I accepted it as I found it. I didn't come here to apologize for the mistakes and the follies of my forefathers. I see no reason why one ethnic group should be centred out for having something which other ethnic groups aren't entitled to. In fact, I see that as part of the problem. The short answer is no; the longer answer is yes. Somebody comes to the table to make a deal, and if you want to make a deal, you've got to be prepared to give and you've got to be prepared to take.

MR. CHAIRMAN: Okay. Well, it's an interesting dialogue we're going to have in the next period of time, and it may centre around that one very word, "distinct." Perhaps on that the nation will survive or not. In some respects, without wanting to put words in your mouth, you're accepting the thesis advanced to us by Mr. Parizeau that the rest of Canada would be better off without Quebec.

MR. PARTRIDGE: I don't happen to agree with that. Unfortunately, I see it in the long haul as probably inevitable. If you want to ask me the question if I think Quebec will leave, I think perhaps in the long haul it's less a matter of will Quebec separate as opposed to the rest of the country coming to grips with it and saying we've had enough and booting them out.

10:49

MR. CHAIRMAN: Okay. Well, thank you for your presentation. It's going to be an interesting few months or years ahead of us.

Sheila Murphy. Good morning.

MS MURPHY: Good morning, Mr. Chairman and members of the committee. I have a brief presentation.

Mr. Chairman, first I would like to congratulate you and the other members of the Select Special Committee on Constitutional Reform as well as our Premier, Don Getty, for initiating this process of public consultation. The Constitution belongs to all of us as Albertans and Canadians, and it is for this reason that all Albertans should have an opportunity to provide input before we begin negotiations on constitutional reform. I am pleased that this committee has seen fit to hold a second round of public hearings. The number of people who have expressed an interest in appearing before your committee demonstrates the interest people have in the future of our country. I should say also, Mr. Chairman, that I am pleased that this committee has representation around the table from all political parties currently represented in our Alberta Legislature. Canada is too important for our politicians to resort to partnership and partisan interests, and I wish you well in your efforts to formulate a truly Alberta position.

MR. CHAIRMAN: I'm just going to stop you for a moment.

MS MURPHY: Certainly.

MR. CHAIRMAN: Is it "partisanship" you meant to say or "partnership"? I noticed that . . .

MS MURPHY: I said partnership and partisan, didn't I? Maybe I misread it.

MR. CHAIRMAN: "Resort to partnership." Did you mean partisanship?

MS MURPHY: I'm sorry. That should be partisanship.

MR. CHAIRMAN: Okay. We're keeping a record, so perhaps the record will be corrected on that point.

MS MURPHY: It is "partisanship and partisan interests" – I'm sorry, Mr. Chairman – and I wish you well in your efforts to formulate a truly Alberta position.

The Constitution is a comprehensive document covering many different aspects of Canadian life. Today I wish to address three areas: the need for Senate reform, the amending formula, and the division of responsibilities between the federal and provincial governments.

Alberta must continue to stress the need for comprehensive Senate reform. Canada needs a triple E Senate, a Senate which is elected by the people, with equal representation from each province, and which is effective in representing the provinces in the federal Parliament. As an Albertan, I am proud of the work our government has done to move this issue onto the national agenda. It is not so long ago that Alberta was the only province advocating a triple E Senate. Now almost every other provincial government and even the federal government realize and agree that the Senate must be reformed. We are the only province which has elected a Senator to represent us in the upper House. That was a bold move, and it really started the movement. Your report must include a triple E Senate as our number one priority for constitutional reform.

There is still plenty of work to be done to define what we believe a triple E Senate will be, more specifically the effective E. I like Premier Getty's suggestion respecting the effective E. He said that when federal legislation deals with an area of provincial responsibility, the new Senate should have an absolute veto; in the instance where legislation deals with areas of shared responsibility, the Senate should have a suspensive veto; and where legislation deals with areas of exclusive federal jurisdiction, then the Senate could fill the role of sober second thought with the ability to set changes to improve the legislation only. This seems a good starting point for these discussions.

Mr. Chairman, we need a united Canada which is made up of strong, equal provinces. We cannot have a situation where

Quebec and Ontario have a vote over constitutional amendments. That would create first- and second-class provinces. We must . . .

MR. CHAIRMAN: I'm sorry. Is that "veto" rather than "vote"?

MS MURPHY: A veto, yes.

MR. CHAIRMAN: Sorry.

MS MURPHY: Boy, we had a . . . Thank you.

. . . would have a veto over constitutional amendments. That would create first- and second-class provinces. We must retain the current method of amending the Constitution. The current formula, which calls for seven of the 10 provinces representing at least 50 percent of the country's population, was originally proposed by Alberta. It was agreed to in 1981 and entrenched in 1982 after years of difficult discussions. That formula embodies two key principles which are very important to maintain: firstly, that Alberta has equal constitutional status with all other provinces, and secondly, it respects the rights, proprietary interest, and jurisdiction of Alberta against assault by the federal government on any other province.

With respect to the division of powers between the federal and provincial governments, I do not want to see any federal intrusion into provincial jurisdiction. Alberta must retain control of education, health care, social services, and natural resource management and control. Canada is too large and diverse a country to have centralized decision-making. I do not want to empower Ottawa bureaucrats to make these fundamental decisions. We as Albertans are best able to decide matters that impact Alberta.

There are many challenging issues which this committee must take on. I wish you well, Mr. Chairman, and now I would be prepared to answer any questions.

MR. CHAIRMAN: Any questions or comments from members? Yes, Gary.

MR. SEVERTSON: I'd just like to ask the one question on the triple E that I've asked before. On the equal part, do you think we as a province should stay strong on our opinion that it should be equal, or . . . I haven't had time to read the document. A weighted Senate was proposed today.

MS MURPHY: I believe equal and effective are extremely important. I have been a member of the triple E Senate since its inception, so I feel strongly about it. I believe the election of our Senator, the first one in the country, was a very bold and brave move and it sent its message.

MR. CHAIRMAN: Just to follow up on that point, looking at the paper which came out today – you obviously wouldn't have had time to review it – what they're suggesting is a much more equitable Senate, but there will be a process by which the federal parliamentary committee will consult with other provinces. We'll be holding a meeting between that parliamentary committee and this select committee at some time in the future, as part of the dialogue in the next few months. What I hear you telling me is hang tough on the equal E, right?

MS MURPHY: Yes, absolutely.

I would just like to close, if I may, by saying that I came to this country as an immigrant. I came from a country where I have to show my passport when I enter six counties of that country. I am a Canadian; my children are Canadian; my grandchildren are Canadian. I don't want to see this country torn apart for two words.

MR. CHAIRMAN: Well, thank you very much for your presentation.

Let me take a guess that you came from Ireland.

MS MURPHY: Absolutely. I don't think we understand and appreciate the country we have.

MR. CHAIRMAN: Thanks very much, Sheila.

Leslie Fauvel. Is that the correct pronunciation? Leslie, I just have to slip out for a moment. My colleague Mr. Rostad will chair the meeting. Excuse me; I'm not trying to be rude, but I must for a moment or two be away.

[Mr. Rostad in the Chair]

MS FAUVEL: I would like to apologize for my back being to the members of the public here. It poses a problem whether one should sit at the left or the right, really.

MR. ACTING DEPUTY CHAIRMAN: It's up to you; wherever you're most comfortable. If you want to just take Sheila's card down there.

MS FAUVEL: There's no centre.

MR. ACTING DEPUTY CHAIRMAN: Did you have some documents you want to distribute?

MS FAUVEL: I do, and I will be happy if Garry could distribute them at the end of my presentation.

MR. ACTING DEPUTY CHAIRMAN: Okay. Sure.

10:59

MS FAUVEL: There are some supporting documents there which I think are valid ones for perusal.

It's my pleasure to address the practice of expecting children to conform to religious dogma while attending public nondenominational schools in Alberta. I would like to begin by reviewing provocative comments of adult survivors of the native Christian residential schools set up by the federal government, which now are closed in Alberta. Native people report that far worse than the physical beatings they endured at these schools were the authoritarian religious injunctions placed upon them. Rejected was the native's right to his own beliefs. His spirituality was to be broken and substituted with the Christian pedagogy of Roman Catholic authorities. The tragedy of this event was so heinous that it even brought an official apology from the Roman Catholic Church. But the wounds suffered by these native survivors run deep, and they now report that they feel like an empty shell – not to be anyone, not to mean anything. In other words, in the hands of the Christian school authorities the native children were deprived of becoming themselves, that native identity which had been carefully nurtured for years destroyed and overridden by the Christian religious order.

Native peoples used these schools' methods to exemplify cultural genocide. I use them to exemplify "individualcide," which I believe occurs when an authoritarian's dictums interfere with an individual's self-concept or self-actualization process. The religious abuse these native children faced was totally destructive to many. The psychological injury experienced today by non-Christian children in public schools is not as absolute and not as devastating. But how much damage is tolerable within a compassionate Alberta society? Whether or not an injustice is obvious or insidious, an injustice warrants attention and correction. Children as young as five years of age are expected to follow the rules and procedures of their school and are graded according to their academic and behavioural performance. The schools' authorities must therefore recognize the limit to their sphere of influence on the children. In public nondenominational schools a line is clearly drawn at religious discrimination and persecution.

The Lord's Prayer is a Christian's observance of religious duty. It is exclusively a Christian prayer. It is not a generic prayer. Placed in a Christian church, it belongs and is treasured, but foisted daily in a nondenominational school, it becomes hypocrisy. Why must we refrain from using the Lord's Prayer in our public nondenominational schools? I have six reasons. First and foremost, it is un-Christian. Christ Himself explicitly states in the preamble to the Lord's Prayer – and this is the only place this prayer occurs in the Bible – to pray privately, to use this prayer privately and meaningfully and not to pray by rote or publicly. Observations are that this is what does in fact occur in the schools.

It is unconstitutional. Sections 2 and 15 of the Canadian Charter of Rights and Freedoms were specifically designed to give each individual freedom of religion and equality in matters of religion. Prayers of any sort may not be foisted upon a public forum.

Number three, it is socially divisive. According to the Alberta School Act, children are expected to either remain in the classroom or leave the classroom during school prayers. This provision of exclusion socially impedes the affected non-Christian children since they are ostracized by their peers and report feeling not liked by school authorities. The entire social networking of the school is undermined by this kind of selective discrimination and inequality. To make matters worse, the affected children are often of visible minority status and, therefore, face double discrimination. It should also be noted that some children empathize with the affected non-Christian children. Witnessing this event replayed day after day, they have reported feelings of guilt and helplessness within a situation they have no power to correct. So you see, even some children know that these prayers are not good for everyone.

Number four, it is psychologically intrusive. It remains an individual's most imperative duty to develop a sense of oneself and to be permitted high self-esteem while attending public school. This is how sound mental health is fostered. Placing in schools practices which discriminate against children on the basis of sex, race, or religion impedes this very important process. I note in the budget that another $1 million had to be given to mental health services for children.

Number five, it is a violation of state/church separation. I and others have been told by Department of Education officials that Alberta is a Christian province. These officials do not seem to realize that state-run religion is illegal in Canada. In fact, both state and church function best when they're independent and when there exists no collusion between the two. We've all heard what strange bedfellows politicians and religionists make.

Number six, it interferes with the role of a school. For a child the school is a very important institution, second only to the family. It is the school's mandate to model our social tenets while fulfilling its educational agenda. I commend the school boards of Calgary, Rocky View, and Edmonton. They have responsibly addressed these issues and have developed religious policies which stand the test of the law and society. Regrettably, nearly all other school boards have not. With no regard for Charter provisions, these school boards have developed religious policies which at times make non-Christian children the pawns within the tyranny of the majority. Is it any wonder that so many religious bigotry issues keep resurfacing in Alberta?

I feel that the Alberta government, through this forum, should take every opportunity to safeguard the psychological integrity of every child attending Alberta's schools. Having been delegated the role of setting religious policy by the Department of Education, school boards should receive prudent guidance. The Minister of Education has a pivotal role in this regard. The Hon. Jim Dinning has in fact been repeatedly called upon to end religious practices which discriminate against non-Christian children in Alberta's public nondenominational schools. His suggestion to parents who complain to consider home schooling instead is unacceptable and even monstrous. These parents demand a change in protocol, which costs nothing to implement. By not changing it, however, the costs add up in the form of mental health counseling for affected children, re-education of adults who were taught by example in school to respect only the majority, and a legal defence when a Charter challenge is launched to make education authorities conform to the laws of our land.

The legal precedent already exists in setting the limit for religious material in Canadian public schools. The Sudbury school board and Elgin county, both in Ontario, were forced to remove prayers and religious indoctrination strategies from the classroom. School jurisdictions within B.C. and Manitoba have been correcting their school Acts to address religious discrimination. Our public nondenominational schools appear to have the mandate to teach, not to preach. Obviously, the Department of Education needs to carefully guide school boards in setting their morning exercises. Certainly many inspirational messages that espouse peace on earth and goodwill to man are available if a moral message is the ultimate desired effect a school board seeks.

We are fortunate indeed as Canadians that our society has been redressing the authoritarian burdens it traditionally placed upon its citizenry. Long ago the ethic was, "What we say is good for everyone." We now have laws that veto the power of the state in certain areas, laws that check the power of the authoritarian model. We live in a free country which permits individuals to become themselves with their own views and their own beliefs. This is recognized as being of paramount importance both in our Canadian Charter of Rights and Freedoms and in the international bill of human rights, which Canada endorses. Isn't it time that this province got on board?

One cannot uphold a religious practice such as the Lord's Prayer in public, nondenominational schools when in so doing one is breaking the principles of democracy and the supreme laws of this free nation. To the province of Alberta and its school boards I say: take the children as they are; respect their right to non-Christian beliefs; role model the social justice that Canada has guaranteed to all its citizenry, especially to the children. It is best in the long run for everyone.

I thank you for your time.

11:09

MR. ACTING DEPUTY CHAIRMAN: Thank you, Leslie. Questions?

MS BARRETT: Can I make a comment?

MR. ACTING DEPUTY CHAIRMAN: Certainly.

MS BARRETT: It's pretty clear from the literature you've attached and also from your brief itself that you've done a very thorough job in your analysis. I take the directive as being that the province should now conform itself to the obligations under the Charter of Rights and that we should do so as soon as possible.

MS FAUVEL: That's correct. The only thing that has been lacking in addressing this issue is political will; that's it. It's basically some messages to school boards explaining the limits to what they can do. I think the last page here in this, the Supreme Court of Canada in Ontario, the justice has clearly struck down all the reasons that Mr. Dinning gave me and that the Premier, too, gave me as to why Alberta can keep doing this. The same situations existed in these school boards as exist here, so it's a very clear legal precedent that this has provided. I think it's – well, I don't know. Some say that they'd like to be on the defence of the 75 percent of the majority. I prefer to be clearly in the 100 percent of protecting civil rights for all.

MS BARRETT: Can you tell me . . . You said you had been told by department officials that "Alberta is a Christian province." Did that come from the minister's office?

MS FAUVEL: That came from the Department of Education. I believe it was a now retired person. Mr. Bill Duke said this to me when I brought up this issue. He claimed to pull ordinances from the North-West ordinances Act, which has ordinances 29 and 30, 29 saying that public schools may open with the Lord's Prayer – of course, this was part of 1901 legislation – and the second one being that schools may have half an hour of religious instruction at the end of every school day. It's not even necessary to change it legally. Another interpretation of this is that although public schools "may" do this, they "must" not; I mean, they don't have to. This is something that was permitted at that time, but it need not be seen now as being a relevant provision.

MS BARRETT: Right. Thanks very much.

MS FAUVEL: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Other questions?

Thank you, Leslie, for your presentation.

[Mr. Horsman in the Chair]

MR. CHAIRMAN: Jim Bond. Good morning.

MR. BOND: Good morning, all of you. I'm not here today because I want to plead for an unchanged Canada as, according to most opinion polls, the majority of Canadians would like to see, nor am I here necessarily to plead for a Canada reformed. I'm here today because I see many of my fellow Albertans and fellow Canadians searching in vain for an end to the endless Canadian unity debate. I am searching in the same way.

I was in grade 6 when Quebec held its last referendum, and although I was only 12 or 13, I felt a sense of relief come from those around me, not just because Quebec had decided to stay in Confederation but because there was a sense that the arguing was over, that we could turn our attention to other things. I'm now in my final year of a BA in political science with a minor in Canadian studies. I realize now, probably as many others do, that the sense of relief in 1980 was unfounded.

I have also come to some other personal realizations about the state of our nation. I hope that by being here today, I might be able to share some of the information I have come across and some of the conclusions I have reached on certain aspects of our situation. I'm not going to give you some wide-ranging vision for the future of our country. I think the best we as Canadians can hope for is that we are all given the tools necessary to make a rational decision about the future of our nation and that once we have those tools, we can resolve this issue expeditiously and with finality.

When Lord Durham visited the colonies of Upper and Lower Canada in 1839, he reported that he "found two nations warring in the bosom of a single state." In 1991 it appears that little has changed. Canada's unity has been tested by two conscription crises, the FLQ crisis and the 1980 referendum on sovereignty association.

As I stated before, after the 1980 referendum there did appear to be a brief reprieve. Quebec nationalist feelings appeared to have diminished substantially, and the government of Canada promised action on the concerns of Quebeckers. It was the promise of action on Quebec concerns during the referendum campaign and the subsequent lack of commitment on the part of the federal government that led to the current national unity debate, in my opinion.

When the Liberal government of Pierre Elliott Trudeau patriated the Canadian Constitution, it did so without the approval of the province of Quebec. Even though all the politicians working on behalf of the "no" campaign during the 1980 referendum promised, regardless of political stripe, to work toward the realization of Quebec aspirations within a Canadian framework, two years later the Constitution of the country was promulgated without the approval of the government which represented almost one quarter of the nation's population. It is obvious, then, that attempts had to be made to bring Quebec into the constitutional family. The Meech Lake accord was such an attempt, and because of its failure, Canadians are now faced with three choices. All Canadians can work together in an attempt to satisfy the necessary aspirations of Quebeckers while still preserving the integrity of the nation, Canada can follow the path of slow deconfederation, a path which many argue is represented by the Meech Lake accord, or Canada can become two nations or perhaps eventually even more than two.

Canadians do not have as one of their options leaving Canada the way it is. As a result of several factors, Canada has evolved into a different nation, and the population of the country today has different needs and aspirations than it did just a decade ago. Canada today is no longer the country of two founding nations, as scholars such as Harold Innis and Donald Creighton referred to it. Canada has evolved today into a compact of roughly equal provinces, and although it was originally regional rather than provincial equality, that was one of the cornerstones of Confederation. We must recognize that that has now changed. While the two nations theory may be important historically, it has been superseded today by provincial equality and multicultural diversity of our society.

In addition, the adoption of the Canadian Charter of Rights and Freedoms has redefined what Canadians see as important. The whole notion of the Constitution has changed for Canadians. While the old BNA Act was concerned with relationships between governments, the Constitution Act is concerned with relations between citizens and governments or between citizens and citizens. Where Canadians once looked to governments for protection, they now look to the Constitution. As Alan Cairns, a professor at the University of British Columbia, indicated, groups of Charter Canadians have begun to spring up across the country. These Charter groups not only have a great deal to do with the current attitude of Canadians toward their governments but also with an increase in national over provincial feelings in Canada, outside of Quebec. It is these new realities that we must take into consideration when analyzing the current national unity debate and making recommendations for a new Canada.

Individuals on both sides of the current unity debate argue that their vision of the country will do most to preserve the nation. In fact, no matter which vision is accepted by Canadians, Canada will be a radically different nation than it is today. Canada after the current national unity debates will be a nation of radically different power structures or a nation without an important part of its culture and society. So we are left with our options.

I believe that the option outlined in documents such as the Bélanger-Campeau report and the Allaire report is not a viable one for Canada. Any type of agreement which is predicated on the notion of asymmetrical federalism will not be acceptable. Most Canadians have become too equalitarian to allow one province to be more powerful than the others. Similarly, the option of continued decentralization is not viable. Canada is already more decentralized than was ever anticipated in 1867. To use an extreme example, Canadian provinces today have more control over their own fiscal affairs than the individual nation-states of the European community will have after 1992. There is, quite simply, nothing left to gain from further decentralization of the provinces unless we go all the way, in which case we could have 10 seats at the U.N. General Assembly rather than just one. I believe, therefore, that we realistically only have two options to consider: a new federal arrangement which comes as the result of genuine negotiation on all sides or the option of Canada becoming two or more nations.

11:19

Although feelings and sentiments seem to prevail over reason in some of the arguments presented in the national unity debate, I believe that when the minds of Canadians are appealed to, the large majority will want to see Canada come out of our current crisis a strong and unified country. Assuming that there is general agreement among Canadians and their governments that they wish to see the nation stay together and that Quebec is willing to participate in further constitutional negotiations, I believe there are four main areas which we must look to for change.

The first of these areas is the revision of our current bicameral legislative system in order to better reflect provincial concerns. The current triple E proposal is one such mechanism to achieve this. Since I am sure that the committee has heard many compelling arguments in favour of the triple E Senate formula, I will not dwell on it except to say that I believe the principle of equality in the Senate will reinforce a notion that most Canadians already subscribe to, that of equality of provinces.

While restructuring our bicameral legislative system is important, Canadians cannot consider their national problems resolved until reasonable accommodations are made for the first peoples of Canada. Obviously, there must be compromises on both sides. In the area of native land claims, for example, all of the province of British Columbia has been the subject of various and often competing land claims. The resolution of these land claims as they stand is not possible. However, given the size of our nation and the needs of our native people, all reasonable attempts must be made to resolve land claim disputes in a quick and judicious manner.

Self-government or some form of self-determination must also be given to native peoples, considering their role in the development of Canada. The development of a process of self-determination, however, must be carried out within the context of an equalitarian Canadian society. It is important to note that this must be a three-way process, that the governments of the native peoples, the federal government, and the provinces must be involved, considering that currently in the Constitution of Canada there cannot be any changes made to the Constitution of the country that have impact on the provinces without their approval. Obviously, something like self-government would impact on the powers of the provinces.

I would like to stress that I believe the resolution of native concerns such as land claims and self-government must be carried out not just because Canadians feel guilty about past injustices foisted upon natives but because it is what should be done by a humanitarian, liberal democracy for one of its founding peoples. In addition, Canadians should not be looking just to resolve the symptoms of our current problem. We must look to the roots of some of our current problems when discussing a new Canada.

A recent study of western industrialized nations showed that Canadian citizens have more political representatives per capita than any other liberal democracy. Canadians believe that they are fundamentally overgoverned and that there are too many government agencies from all levels competing with each other to provide specific services. This problem may stem in large part from the fact that the powers that were given to various levels of government in 1867 may be inappropriate for those levels now. Further, in an attempt to unify the country, a complex system of interdependent relationships between federal and provincial levels of government was set up. However, what was then seen as insurance against disillusion is now seen as bureaucratic and wasteful.

An example of this is the Canadian court system. The provincial courts, if provinces choose to establish them, are maintained by the provinces. Section 96 courts, such as the Court of Queen's Bench of Alberta, are maintained by the provinces, but the judges are appointed by the federal government. The federal courts and Supreme Court are maintained by the federal government, with appointments by the federal government. The result is a hodgepodge of overlapping jurisdictions and variances in procedure from province to province. Canadians and their governments must be willing to re-examine their responsibilities as delineated in sections 91 and 92 of the Canadian Constitution and realistically determine which level of government can handle which powers in the most efficient and equitable manner.

Another area that must be considered when discussing the future of our nation is multiculturalism, a concept that relates to the very fabric of our society. As I've said before, I believe the concept of two founding nations as a basis for current sociopolitical institutions is outdated and somewhat ethnocentric. While it may be true that there were only two cultures and linguistic groups at the table in 1867, there are many cultures and groups who are full and active participants in Confederation today. We must be sure that any changes to the Constitution would continue to allow all groups to realize their legitimate aspirations. People have argued that when multicultural groups are allowed to pursue their traditions and cultures, they are somehow taking away from being Canadian. I would suggest that if I were an immigrant to Canada, I would ardently support the nation and the institutions which allowed me to speak the language I wished or practice the religion I wished or wear the headgear I wished. The concept of multiculturalism today is an integral part of Canadian society and must be maintained.

These are the areas which I believe Canadians must consider if we are to continue to be a strong, unified nation. If, however, there is not support for the kind of selflessness and compromise which will be required to maintain our federation, we must accept the alternative. I would suggest that if Canadians genuinely believe that compromise is not possible, then accommodations must be made for Quebec to leave Confederation in a clean and efficient manner. The time for bluffing and games of hide and seek, as I might have played when I was in grade 6, are gone. It is time for us to act like adults and resolve this problem once and for all.

Thank you.

MR. CHAIRMAN: Thank you very much, Jim. Before the other members get in on this, I just want to . . . One word jumped out at me in your presentation, and that was "overgoverned". We are, however, being urged by a number of people to add other levels of government, constituent assemblies, other forms of seeking out the will of the people: referenda, initiative, recall, all these elements. How do you react to those proposals?

MR. BOND: I suppose first of all I would split the new mechanisms maybe into two categories. Things like referenda and perhaps constituent assemblies I think have appeal to Canadians because they bring the government closer to the people, that they are actually the ones being governed. So I don't think I would put that in the category of overgovernment.

I do agree, if one of the other areas you were looking at was self-government for natives, that we're going to have to look at self-government perhaps within the current structures we have in place, perhaps enhanced. It's been discussed. I don't know if it's been done by native groups and whether they've supported that native self-government take on the form of an enhanced civic government system or that accommodations, as the report came down from the parliamentary committee recently, be made to allow for certain numbers of Members of Parliament to be elected through native constituencies. I think there's a way for us to accommodate that within the present system.

MR. CHAIRMAN: Okay. Well, they're additional forms of being governed – that's what I was getting at – in these proposals. But you think those could be accommodated in the process of reaching decisions?

MR. BOND: I suppose that I see things like constituent assemblies and referenda mechanisms as enhancing the current system rather than taking the place of anything. They seem to be not necessarily one-shot situations but something that would be rather erratic and not necessarily in place all at the same time; for example, the referendum situation in British Columbia right now with any changes to the Constitution.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: I have two questions actually, one of which is related again to your observation about being overgoverned. We have had recommended to us, based on the understanding that the Canadian population primarily lives, you know, in a long line across the country like this . . .

MR. BOND: A horizontal Chile.

MS BARRETT: Yeah, the horizontal chain.

. . . that in fact provinces are really redundant and we should pursue discussions of regional governments so that we're working on common geography, common industries, et cetera, and help eliminate this problem of overgovernment. Where would you stand on that issue?

MR. BOND: Actually, I believe a restructuring of regional governments based on similar economic or cultural circumstances would do more to tear the country apart than hold it together. I think one of the benefits of having provinces that stretch as far as they do is that they encompass a lot of different types of people, a lot of different industries, a lot of different cultures and societies. I don't think it's necessary that we go that far in restructuring.

MS BARRETT: That's interesting. What you're really saying is that the tension of the differences is probably good compared to the tension that might go with very large groups, like regions.

MR. BOND: Well, I think that first of all you need to have understanding of what other people are experiencing before you can make any judgments about what is happening currently.

11:29

MS BARRETT: So that homogeneity, in fact, would not facilitate that.

MR. BOND: Exactly.

MS BARRETT: Yeah. I get it.

My second question is totally unrelated. This morning, as you know, the Prime Minister announced the government's new proposals for constitutional reform, including electing our Senate and weighting it; in other words, not exactly the triple E formula but a heck of a lot better than what we have right now. I think I speak on behalf of everybody when I say that. At this table we have been told, "Don't give in; don't give in"; and then some people have said, "Well, come on, you know; you've got to compromise." Now I want to go back to your grade 6 observation. If you were in this committee and you were reflecting your friends' views, your coworkers' views, your neighbours' views, how would you approach this?

MR. BOND: I think I would look at it from the point of view that we have to start with a negotiating position somewhere but that perhaps an equitable rather than completely equal Senate is something that we may be able to compromise on. I would caution everybody, though, that we should really look at the experiences of the Australian system. I mean, if there is another nation in the world that undergoes similar circumstances as far as the landmass of the country and the population go and the differences between their individual states and territories, it's Australia, and they have a completely equal Senate. Whether it's completely effective all the time is another question, but if it can work for them, perhaps we should really not give in to it too quickly.

MS BARRETT: Thank you.

MR. CHAIRMAN: Thank you.
Sheldon.

MR. CHUMIR: Thank you. An excellent presentation. I was interested in your comments with respect to multiculturalism and your suggestion that our policies, perhaps our Constitution, should help groups realize their multicultural aspirations. There are really two streams that I see in terms of multicultural aspirations. One is the stream of maintaining their heritage, and there's the view that this is a role of government to do positively and that there should be financing and positive assistance. The other stream is that no, that is the responsibility of the group itself; the climate should be there to make it possible for them if they wish to do it but that public policy should be to bring people together. The previous policies are divisive. We should have the policies of tolerance, of equal opportunity, and things of that nature. At present, our policies are somewhat confused. They tend to emphasize both streams. Mr. Spicer in his report has indicated that Canadians have expressed great unhappiness with the promotion of stream one and want to focus on stream two. Where are you at in terms of your comments and views?

MR. BOND: I would agree with the second stream as far as the government's responsibility in fostering an atmosphere of development if the cultural groups feel it appropriate to develop their culture or maintain it. Whether governments can actually afford to fund multicultural programs, as far as cultural festivals and that kind of thing, in our current economic situation I don't know if that's realistic, but I do think that government has to act proactively to ensure that the climate is there for groups to maintain their cultural traditions if they so wish. I think that's what makes Canada Canada. I think that's what sets us apart from a lot of other majority English-speaking liberal democracies in the world.

MR. CHUMIR: Are you saying that's the priority or that that should be the exclusive role of government?

MR. BOND: That should be the priority of governments. If we had the extra money to toss around, of course, it would be nice to spend it there, but I don't know if we're in that situation right now.

MR. CHAIRMAN: Thank you very much, Jim, for your presentation and the thought you've given to it. We're engaged in a new process, obviously, as a result of today's initiative by the federal government, and this select committee in Alberta will be engaged in meeting them through their parliamentary committee. I'm sure you'll be observing what takes place with a great deal of interest. Thank you very much.

MR. BOND: Thank you.

MR. CHAIRMAN: We now have representatives from the YWCA Calgary Social Issues Committee: Dale Hensley and Susan Gillies, I believe. Is that correct? Welcome.

MS HENSLEY: Susan and I are pleased to address you this morning on behalf of the Social Issues Committee of the YWCA. I'm sure you're aware, but just for your edification, the Calgary YWCA is a nonprofit organization committed to working actively to improve the status of women and to foster understanding and action in the world community. We believe and work to support self-determination for and empowerment of women. We will be providing you with a written document later, not at the moment.

The constitutional subcommittee of the Social Issues Committee, of which Susan and I are both members, has spent many hours over the past few months and the summer wrestling with the issue of constitutional reform. Our presentation today represents our thinking as of today. We prepared it, obviously, without considering the federal government's stated position as of today. It's basically our working document. Our statement does not deal with every issue confronting Constitution builders. Unfortunately, we don't have the time or resources to look at every issue. It does reflect our underlying philosophy and some of our evolving concerns to date.

The Calgary YW is proud to acknowledge the importance of Canada's three founding nations: the aboriginal peoples, the French, and the British. We believe this initial mix of peoples played a vital part in establishing our country and character. It provides a foundation from which we are building a truly multicultural society, or we are attempting to do so. Our wish would be for today's Canada to remain united. For that we believe there must be mutual respect and understanding among the aboriginal people, Quebeckers, and the rest of Canada, and a recognition of the right to self-determination for each of these groups.

In accordance with the statement of the International Covenant on Civil and Political Rights, adopted by the United Nations in 1966, we recognize that embracing the concept of self-determination for any group means acknowledging the right of that people to freely determine their political status and to freely pursue their economic, social, and cultural development.

While we support the aboriginal peoples' right to self-determination, we have not addressed the details of that position in this presentation. We feel that the aboriginal peoples themselves are now addressing this issue quite adequately and are best able to do so.

The question of self-determination for Quebec is more difficult. The issue is complicated by the perception that Quebec is just one province like each of the others. If Quebec ever was a province just like one of the others, we think it's important to acknowledge now that it is no longer a province like the others. The concentration of a founding minority group, the French, in a defined geographic area of Quebec has resulted in the development of a society with a different culture, different needs, and different dreams. Today the majority of Quebeckers form a national group that does not identify itself with the population of the dominant or surrounding state, and that national group has not been assimilated into the dominant surrounding population. We in the rest of Canada are surely not prepared to demand that Quebec assimilate under threat of arms. In our opinion, we must therefore accept Quebec's right to self-determination. Nonetheless, we would hope that Quebec's needs can be accommodated in our federal framework, but it is Quebec that will decide whether it will remain a part of Canada.

If Quebec remains, we must negotiate a relationship which allows both Quebec and the rest of Canada to prosper and grow within a system that respects the integrity of the units. If, with the rest of the country acknowledging its need for self-determination, Quebec decides to remain within Confederation, then federal programs and policies need not operate in Quebec as they do in other provinces. Concurrent with the power to determine its own destiny, Quebec would have the power to assume jurisdiction or to opt out of federal programs in a number of areas, particularly those involving social and cultural matters. If Quebec chooses to disengage itself from federal jurisdiction or control in any particular area, then in our view it cannot benefit from federal transfer payments or funds in that area unless through negotiations it has agreed and does in fact provide programs with equivalent standards equally available in Quebec as in other provinces.

We recognize that self-determination for Quebec will necessitate adjustments to federal and Quebec tax structures. However, we do not believe this difficulty should be permitted to thwart the goal of self-determination for Quebec.

11:39

While we accept Quebec's right to self-determination, as women we believe nonetheless that a strong federal government with the power and will to set national program standards is essential to the integrity of the rest of Canada. This is because traditionally the federal government has developed and supported programs essential to ensuring equality of opportunity and a basic standard of living for all Canadians. Programs like medicare, the Canada pension plan, unemployment insurance, financial support to postsecondary education, social allowance, health care, and legal aid name a few of the areas where federal government involvement has been and continues to be vital, in our opinion. We do not support a general decentralization of power to the provinces, nor do we support the present federal government's moves to reduce funding to the critical areas noted above by capping payments under the Canada assistance plan. This ultimately will lead to a dismantling of the programs we as Canadians rely on and believe in.

The present threat to our social and health programs underlines the need to have social and economic rights guaranteed in the Canadian Charter of Rights and Freedoms. While we are prepared to respect Quebec authority in many areas, we believe it is essential to the integrity of our federal structure that all participants recognize shared or absolute central authority in some areas. Authority would be shared in such areas as environment; natural resources, where the harvesting or controlling of them impacts other provinces, territories, or sovereign peoples; and immigration. Similarly, there needs to be national acceptance of the Canadian Charter of Rights and Freedoms and central control over such matters as Canada's authority to speak internationally and to declare war and defend its territorial security.

These are not exhaustive lists. We are simply attempting to demonstrate that there needs to be negotiation between Quebec and Canada. Again, we just haven't had the resources to try and look at sections 91 and 92, division of powers.

As we stated at the outset, we have not addressed all issues involved in the constitutional reform process. We do recognize that the government of Alberta has been a strong proponent of the need for Senate reform. We agree that the Senate must be reformed. We have not yet agreed on specific details of how or exactly what the reforms should be. Specifically we didn't come to an agreement with respect to what method the election of Senators should be.

We also recognize the need to review the amending formula, and we believe that unanimity except in some limited circumstances is not workable. Constitutional change would be impossible to effect if every province must agree to all of the proposed amendments.

We do appreciate the opportunity to provide our views to this special committee and look forward to continuing involvement in this process. We think public input into constitutional reform is essential. We believe there must be a democratization of our institutions to permit this. We believe public hearings must be held and the results of those hearings made public before any amendments to the Constitution are adopted by any level of government, and that women and minority groups must be provided with assistance in order that they will be able to participate effectively in the hearing process.

Thank you.

MR. CHAIRMAN: Thank you very much for your presentation. Yes, Pam Barrett.

MS BARRETT: Thank you. Thanks for such a good and comprehensive presentation. You probably won't be happy that I'm going to ask this question, though, because chances are good you didn't flesh it out or you might have stated so. But just in case, I want to know if you discussed – even if you didn't conclude – under what circumstances unanimity would be or could be appropriate in amending the Constitution.

MS HENSLEY: We didn't address it in detail. It certainly was raised, and we recognize that section 41 of the current Constitution sets out some specific areas that require unanimity. I think we agreed that that would continue to be an area where we would recognize unanimity might be required. Beyond that we really didn't . . .

MS BARRETT: That's okay. That is actually an answer, I think. What you're saying is that the unanimity suggested in Meech Lake accord would have been unworkable.

MS HENSLEY: That's right.

MS BARRETT: Yeah, or anything like that.

MS HENSLEY: That's right.

MS BARRETT: That's clear enough to me. Thank you.

MR. CHAIRMAN: Yes, John McInnis.

MR. McINNIS: I have a question about the proposal for a social and economic charter of rights and freedoms. I'm not going to ask you to respond to the federal proposal, but today the federal government suggested that there would be a statement of values in the Constitution which would describe what we are and what we aspire to be as Canadians. They go on to say that that statement would be purely symbolic; that is to say, they put a symbolic statement of values and not legally enforceable. When you talk about a social and economic charter of rights and freedoms, are you talking about something that's enforceable or merely symbolic in terms of the Constitution?

MS HENSLEY: I will answer first, and then Susan may have something to add.

Recognizing that there are always economic constraints that limit possibilities, we would want something more than mere symbolism.

MS GILLIES: Yes.

MR. CHAIRMAN: Well, thank you very much for your presentation. We have been receiving from a considerable number of people concerns about the national debt and the ability to pay for programs that are now universal. Without getting into the social charter concept in any depth, the concern is there that the courts ordering governments to do certain things under a social charter without the ability to pay for some of them. It's a concern we have to address. How would you respond to that issue as to the role of the courts in the charter concept, which we've experienced now in the individual situation? How would you deal with that?

MS HENSLEY: Well, as I say, we recognize that there are economic constraints. At the same time, I think that if the government has a strong and valid argument, they have an opportunity to present that, specifically under section 1. I know the courts would have a stronger rights orientation than a government perhaps, that the courts have said that administrative expediency cannot override individual rights. I don't think they've said entirely that economic concerns can't override rights, but I think that the government of the day would need to present their arguments under section 1.

MR. CHAIRMAN: Well, it's an interesting concept, and it certainly will be explored in much greater depth, but by and large – and this is very simplistic – the current Charter of Rights says what government cannot do to individuals. A charter of social rights, on the other hand, would say what government must do for people. There's quite a difference in that approach, and we're going to be engaged in quite an interesting discussion on that concept. The Premier of Ontario has tried to bring forward a proposal which would not have the courts involved in the second charter, of social rights, so that the courts would not be there saying, "Yes, government must do this for people." So we're going to have to have some very interesting discussion in the next while on that whole concept.

MS HENSLEY: If I could just comment. We drafted our position prior to hearing of a proposal such as Mr. Rae's. We are obviously not hard and fast in our position, except we've hit fairly hard in one particular area in our presentation. Obviously there are ways of doing things, and I think we would look at a suggestion such as Mr. Rae's, although probably our first would be to have it within the Charter. We recognize that there are difficulties with that.

MS GILLIES: We also recognize, however, that very often the matter of money is a matter of changing priorities on where you spend that money rather than adding more money to it.

11:49

MR. CHAIRMAN: Well, that's obviously a matter of public policy, and the question is whether or not that should be determined by elected people or appointed people in the courts. So that's obviously a big issue which has to be dealt with.
Sheldon.

MR. CHUMIR: Thank you for an interesting presentation. Seeing as we're talking about the Charter, I noted that the constitutional proposals this morning have proposed once again a distinct society clause with respect to Quebec. It's proposed to be within the Charter of Rights, and the Charter is to be interpreted in a manner consistent with that distinct society, which includes a French-speaking majority and unique culture, amongst other items. It looks like we're back into an issue very similar, if not identical, to the rights issue in Quebec vis-à-vis the Charter. Do you have any thoughts or observations for us with respect to that issue, any preliminary instinct?

MS HENSLEY: Within our committee we had some minimal discussions with respect to "distinct society," and one of the things that was expressed as a concern was that there had been no definition of "distinct society" and that we would certainly be concerned about inclusion of the term "distinct society" within the Charter if there was no definition. We now have a definition, and we obviously haven't looked at that definition in detail. I think that we have to acknowledge that probably our proposal goes further than that, in a sense, but at the same time it's different, because again "distinct society" would then be subject to legal interpretation and court interpretation as opposed to a combination between governments. I'm afraid I personally don't have anything more to say on the distinct society except that we had wanted a definition and we'll have to consider it now.

MR. CHAIRMAN: I think we'll all be looking at the definition, Sheldon. I think perhaps we shouldn't get too far involved in trying to define it today without some further discussion. But you're quite right; it's going to be an interesting point.

MR. CHUMIR: It's actually only defined as to include certain items; it's still global. Be that as it may, it's at a very preliminary stage now; I'm just looking for a preliminary reaction.

MR. CHAIRMAN: All right; thank you very much.
Don Cook.

MR. COOK: Good morning.

MR. CHAIRMAN: Morning.

MR. COOK: I've been proud to be an Albertan for some 24 years, but I consider myself first and foremost a Canadian. I was born in Manitoba; I was raised in rural Manitoba and rural northern Ontario; I got my university education in eastern Ontario. With that as a bit of my Canadian background, I would like my comments today to be considered not those of an Albertan but those of a Canadian.

I want to commend the task force for producing this pamphlet, Alberta in a New Canada. Last March it inspired me to give you a seven- or eight-page submission in which I commented on virtually every question that is raised therein, and I reassure you that I have resubmitted it here today, but I will restrict my comments today to three items. I want to discuss Quebec, I want to discuss constitutional amendments, and I'd also like to talk about the national debt. I should say that I have in here some unkind comments about our Prime Minister, and they were based on my observation of his performance during the Meech Lake debacle. I have heard part of his presentation to Parliament this morning, and I hope that he is going to give me some cause to reassess my view of our Prime Minister.

First, Quebec. Clearly, the single most important issue facing us today is the alarming possibility that the people of Quebec may choose to separate from Canada. I believe that would be disastrous for Canada, but I also believe that if we accede to all of Quebec's demands, that also would be disastrous for Canada. I believe we must have a strong central government with the authority to implement and administer national programs. I do not wish to see Canada devolve into a collage of strong nation-provinces loosely held together by a weak central government.

I believe we should accept some special status for the province of Quebec, particularly with regard to the right to protect cultural survival. Whether we like it or not, Quebec is a distinct society, and I believe we should recognize that in our constitution. Earlier this morning I listened to William Partridge speak to you people; he spoke in opposition to recognizing Quebec as a distinct society. It's clear to me that if we Anglo-Canadians do not accept Quebec as a distinct society, then we can say goodbye to Quebec. I think it's as simple as that.

However, even if we give Quebec special powers, we need hard bargaining to keep those special powers to an absolute minimum. Our problem is that we have no one in sight to do the hard bargaining. Our problem is that power-hungry Premiers tend to welcome increased powers for Quebec because they can claim the same power and influence for their own provinces to the detriment of Canada. In a small example – it's a big example – our Premier, Mr. Getty, was opposed to giving Quebec a veto over constitutional changes, but when Brian Mulroney came up with the suggestion that he would give the veto to all provinces, it suddenly became appropriate for Mr. Getty, and he liked the veto better when he discovered that he might have it or that Alberta might have it as well as Quebec. Our problem is that the Premiers speak for their provinces, but none of the key players speaks for Canada. Brian Mulroney should be strenuously defending the federal position, but instead he assumes the role of committee chairman and mediator. If you can get the Premiers to agree to any set of provisions, he feels that his job is well done. Brian Mulroney is prepared to give federal influence and control away to the provinces simply to get Quebec's signature on a constitutional document. Consequently, we Canadians have no representation at the constitutional table. We Albertans do, but we Canadians have no representation when it comes to Quebec issues.

Quebec's five reasonable demands in the Meech Lake accord all eroded the power and authority of the Canadian government. It's ironic that the distinct society, which I think is the sticking point for most Canadians, didn't particularly erode the power of the federal government, but the other four all did. It's instructive that Meech Lake was accepted by the Prime Minister and 10 Premiers but was overwhelmingly rejected by Canadians in nine out of 10 provinces.

I'll move on to constitutional amendments. Of the many quotes that are offered in Alberta in a New Canada, I like the one by David Bercuson the best. It is, "There ought not to be any radical changes to the Constitution." This is particularly true with respect to the amending formula. Most amendments require the approval of Parliament and only seven provinces with at least 50 percent of the Canadian population. Well, if an amendment won't pass that minimal requirement, it clearly should die. The difficulty lies not in the formula but in the asinine manner that it has been applied. Our leaders have never given the formula a fair chance because they insist on fixing all things at once. Consider the proposal Mr. Mulroney tabled this morning. It contains 28-some provisions, including the following issues: Quebec's distinct society, equalization payments for poorer provinces, native self-government, an elected Senate, and the notwithstanding clause. Now, I ask: why must these disparate issues all be dealt with in one constitutional amendment? Each of these is a complex issue that deserves special treatment, individual treatment, and they should individually be put to the seven and 50 test. Instead, it is clear that the nation is going to be exposed to another round of bartering and haggling by the Premiers.

11:59

The greatest single hazard in the Meech Lake accord was the provision of a veto to each province. Thank God that change required unanimous consent. Had we passed that, we would have guaranteed that future amendments would be next to impossible. It is interesting to consider that had that clause been left out of the Meech Lake accord, the remaining provisions would all have passed under the seven and 50 requirement and would be law today.

A last point on constitutional amendments. The Meech Lake accord has shown us that the people of each province should be allowed to directly ratify or reject constitutional changes agreed to by the Premiers. Meech Lake was endorsed by our leaders but overwhelmingly rejected by Canadians in all provinces but Quebec. Moreover, our leaders continued to endorse it in the face of widespread opposition from the people.

I want to move on to the national debt. I know that I'm whistling in the wind, but if you'll bear with me – this is a favourite hobbyhorse of mine – I'm going to subject you to two more paragraphs. The national debt is not dealt with in this brochure, Alberta in a New Canada, but it should have been because it is our biggest threat to liberty and the pursuit of happiness in this country. We owe someone a staggering upwards of $400 billion, to which we'll add $30 billion to $35 billion this year. Previous governments mortgaged our future, and our current government is incapable of doing anything about it. My government needs to find $30 billion each and every year before it can even think of paying down the $400 billion that underlies our problems. If previous governments had not mortgaged the future, which today happens to be our present, we would today have a more than balanced federal budget. Today, even in these tough times, we could afford all of our social programs. We could subsidize farmers and fishermen. We could even afford to have CBC television in Calgary; we could even afford Via Rail if we wanted it. What we cannot afford is $30 billion to $40 billion of interest payments on our national debt.

Let me get to the point; we need a constitutional amendment requiring all three levels of government to balance their annual operating budgets. It should be illegal to charge annual maintenance and operation expenses to future years. Only large, once-only costs should be defrayed to the future. Examples of once-only costs would be the war with Iraq or maybe an icebreaker for the Arctic. But charging annual operating costs to future years should be unconstitutional.

I want to thank you for the opportunity to speak to you today.

MR. CHAIRMAN: Thank you very much, Mr. Cook, and thank you for your kind comments about the Alberta in a New Canada. In your written presentation you indicated that it was unbiased and thorough, and we appreciated that comment.

MR. COOK: I say that sincerely. When I read this, it really seemed to be an evenhanded treatment that looked at both or all sides of issues as it went through, and it was rather all-encompassing, except that they left out the national debt.

MR. CHAIRMAN: It's interesting: on that point, how did we get the national debt? We could engage in quite a lengthy discussion about that, but I don't think we have time today.

There's just one point that I think I have to make with you, and that is that we've heard hundreds of presentations now, including many in the last couple of days, about the term "distinct society." I think it's fair to say that you're one of the few people who have come before us and not only said we should recognize a distinct society in the Constitution but that Quebec in that respect should have a special status. If we were to accept your advice, how would you propose that we sell that to our fellow Albertans as being acceptable?

MR. COOK: Well, that's a challenge, but I think we have to sell it. Perhaps the basis of selling it is that we have to accept that Quebec is a distinct society, and if we can start from that basis, then it's only one more step to formalizing that in the Constitution, accepting that it is. If we're not prepared to do that, then I think that Quebec in the next referendum will vote against Canada. Perhaps it's tricky ground, because it's back to scare tactics, trying to scare Anglo-Canadians into accepting Quebec. But I think that we English-speaking Canadians just don't recognize, we don't accept, that Quebec is ready to separate. We don't recognize that when a French-speaking Quebecois comes to Calgary, he comes to a foreign country. I have a workmate who is a geologist who got all his training in Quebec. He works now in Calgary, but when he came to Calgary, he spoke no English. It was culture shock for him; in his own country he was coming to a foreign country. I listened to Benoît Bouchard last night. When he first went to Parliament, he spoke no English. He speaks incredibly good English today, but when he came to our Parliament, he came to a foreign country. I believe we English-speaking Canadians just do not appreciate the fact that Quebecois see themselves as Quebecois first and Canadians second.

I apologize for such a long-winded answer.

MR. CHAIRMAN: No; that's quite all right. I think you'll agree with me and my colleagues that it's a formidable challenge that you're suggesting we undertake here.

Well, Mr. Cook, one other comment. I think that you made reference to the veto and Meech Lake. I'm certainly not going to go back over Meech Lake ground, except to say that what was proposed was only a limited extension of the veto that now exists in the Constitution on certain matters and not a veto over all aspects of future constitutional change. That is, I think, if I may be frank, a clear misunderstanding demonstrated in your paper and by many, many other people in the country who thought that a veto on every aspect of future constitutional change was contained in that. But it's a warning, I think clear to us, not to have that type of veto concept extended in future proposals. So I take it as that being a concern. Thank you.

MS CALAHASEN: Just one question, Mr. Chairman.

In your presentation you were talking about a strong central government with the authority to implement and administer national programs. What national programs do you have in mind that would be on a federal level or on a strong central government decision-making?

MR. COOK: Well, we have things like unemployment insurance today.

MS CALAHASEN: The present system as it is or additional?

MR. COOK: No. I don't have any specific programs that I would like to see in place, but I do believe – and unemployment insurance is an example – that our federal government should have the power to put in place programs across the country. I'm strongly opposed to one of the notions that was in Meech Lake, that a province could run its own program but would do it on federal funding. I believe that if we allow that, it just leaves too much room for manipulation and variable programs. I think that social programs, things like medicare and unemployment insurance, should be transportable from province to province. I don't believe that provinces should be able to run their own programs with federal funds. I think the federal government, if they're going to have a program, should administer it.

MR. CHAIRMAN: Okay. Thank you very much for your presentation.

We'll adjourn now until 1 o'clock. We have a full afternoon of presenters, so we don't have too much time for lunch. I'd urge members to be back here at 1 o'clock.

[The committee adjourned at 12:09 p.m.]

1:23 p.m. Tuesday, September 24, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, we'd like to resume the process this afternoon, and our first presenter is Judith Hanebury. I'd ask her to come forward. Sorry to have kept you waiting, but we did have a late start to the lunch hour.

MS HANEBURY: I have a written submission which is an expansion of my verbal remarks. I don't know who receives it.

I will restrict my remarks today to the question of constitutional jurisdiction over environmental matters. It's my submission to this select committee that whenever the federal or provincial governments exercise a decision-making power within their assigned areas of jurisdiction under our present Constitution, they should be able to consider all of the environmental impacts, both the proposal or initiative to which that decision-making power relates. For example, when considering a federal fisheries permit, the federal government should be able to consider the socioeconomic effects within a province. When a provincial decision is made, for example, on when and where to log, the province should be able to consider the effect of that logging on migratory birds, which is a federal area of jurisdiction.

It is my submission that such consideration should be constitutionally permissible by way of an amendment to our Constitution that would add this right to all the present assigned heads of power. Our provincial government argued in the Supreme Court of Canada case on the Oldman River dam that this should not occur. Counsel representing the provincial government suggested that whenever the federal government was considering issuing a licence in fisheries or in its area of power over navigation, it could only consider matters relating directly to the environmental impacts on fisheries or navigation. It's my submission that this approach is problematic, and in fact if you carry it to its logical conclusion, no provincial dam project would ever be approved. The result would be that there would be a negative environmental effect on fisheries and on navigation, and if those were the only matters considered by the federal government, in fact that dam could not be allowed to go ahead. It's my submission that for wise decision-making to occur, all environmental effects, including socioeconomic impacts, have to be considered by the decision-maker.

Now, it can be argued that this would result in a veto right over development, and in fact this is true in some instances. This veto right, though, would go both ways. We're talking about both provincial and federal decision-makers. There is a provincial objection to such a proposal in that it would permit federal power over provincially-based proposals and projects. That is correct; that would occur. It is my submission, though, that for a number of policy reasons such an extension of federal power should be allowed.

The first policy reason is the achievement of national environmental goals. In 1972 there was a United Nations Conference on the Human Environment. Out of it came the Stockholm declaration, which said in part:

> In order to achieve a more rational management of resources and thus to improve the environment, states should adopt an integrated and co-ordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve the human environment for the benefit of their population.

This integrated approach has been further developed in the Brundtland commission report on environment and development, the National Task Force on Environment and Economy, and the provincial round tables, including the one set up in this province. These different institutions have developed or adopted a number of environmental goals which include the integration of environment and economic concerns and values in decision-making, the preservation of biodiversity, the conservation and wise use of resources, the protection of some of our wild places, and the preservation of human health. These goals, if they are to be achieved, require an integrated national approach to ensure uniformity across the nation in the movement towards these goals. This is the first justification for permitting the federal government to consider all environmental ramifications of decision-making that occurs within its jurisdiction under section 91 of the Constitution Act.

The second justification can be found in the extraterritorial effects of many local projects. There is increasing scientific knowledge of the widespread effects of local actions. For example, logging of local forests where there is inadequate reforestation appears to contribute to global warming. Twenty-five years ago we were not aware of acid rain, ozone depletion, and global warming; they were virtually unheard of at that time. It is recognized now that many projects have effects outside the provinces in which they are located. These spillover effects constitute the second policy reason for an extension of federal power.

The third reason is the need for an ecological approach to decision-making. A decision usually has a range of impacts. For wise decision-making to occur, decision-makers must be able to consider the entire range of impacts flowing from the decision to be made. For example, the construction of a new water polluting industry could result in a reduction in the biotic population rendering them unfit for human consumption. Food prices could increase. Native people who relied on that food source may have to buy food. Costs of water treatment could increase to a nearby town. Health problems could increase if untreated water is consumed. Some of these impacts are in areas of federal jurisdiction; some of them are in areas of provincial jurisdiction. Because of the interrelatedness of these federal and provincial impacts, to make a carefully reasoned and balanced decision the government decision-maker must be able to consider and weigh all impacts. As one writer pointed out over 15 years ago, environmental protection is a sort of philosophy that should underlie most of the activities of a nation. For this to occur, decision-makers must be able to consider all potential environmental impacts of a decision.

The last reason for considering this extension of federal power is not actually a policy reason; it's one more of historical precedent. It has often been said that at the time of Confederation the Fathers of Confederation did not consider environmental matters. In fact, it appears this is not the case. Just prior to Confederation, in Upper and Lower Canada there were environmental problems primarily relating to the disposal of mill waste from lumber mills, lime, and fish offal in waters. As a result there were problems with both fisheries and navigation. Legislation was then put in place to deal with these problems. It is therefore auspicious that at the time Confederation occurred, both fisheries and navigation were powers that were assigned to the federal government. It can perhaps be thought that at the time environmental concerns were best addressed by a centralized government rather than by the individual provinces.

For these reasons the power that such a proposed constitutional amendment would give to the federal government is permissible. Federalism would be preserved. I'm not suggesting by a long shot that all environmental powers should be given to the federal government. This would destroy federalism as we know it today. It can be argued that the power that I have suggested would lead to stalemates in development, that there would be problems with development occurring. This is quite possible. I prefer to think that the results would be well-considered development and perhaps an era of co-operative federalism where both the provinces and the federal government are working together to achieve environmental goals. Should this not occur, the federal government would have the constitutional ability to move our nation toward those goals, while projects that are truly local in their effects and involve no federal decision-making power would stay solely within provincial jurisdiction. By proceeding in this fashion, federalism could be maintained.

Those are my submissions.

MR. CHAIRMAN: Thank you.
John McInnis.

1:33

MR. McINNIS: Judith, thank you for bringing this problem to the attention of the panel. The result of the present position is that a lot of projects go through duplicate assessment processes at the present time. Federal Fisheries and Oceans has had to move a lot of staff from other areas into a regulatory capacity in Alberta, which they don't have the training or sometimes even the interest in. Companies are complaining, to me anyways, that there are delays while they go through both federal and provincial reviews, so it strikes me as a very moderate proposal to say that either level ought to be able to look into the other so that you have, in effect, one process rather than two.

The question I have is slightly different. Would you go the next step and say not only that decision-makers may consider environmental elements within various jurisdictions but that they must consider environmental impacts on very specific enumerated heads before they make a decision?

MS HANEBURY: What I'm saying is that the environmental impacts should be considered not just on enumerated heads but across the board, whether it's federal or provincial. I have no problem with suggesting that it should be "must consider."

MR. McINNIS: Would you favour putting that in the Constitution? What I'm thinking of is, I suppose, a constitutional prohibition on making decisions which are demonstrably hazardous or harmful to the environment.

MS HANEBURY: Well, then you get into the question about environment versus development. I suppose rather than enshrining that in the Constitution, I prefer to see the government looking to the people for the direction in which the people want the government to go. So by enshrining it in the Constitution, I think you've taken that ability to decide on our new direction away from people, unless you see that what the people want is that environmental prerogative, I suppose, enshrined in the Constitution. There's an argument in favour of that.

MR. McINNIS: There are some people who say that we should put environmental protection as a national purpose and that we should take away from decision-makers the authority to compromise that. I suppose what it would be would be a preference for environmental protection over economic development written as a decision-making criterion in the Constitution. You know, this is just an idea. I take it that your feeling is that it would be sufficient to say that these things must be considered by decision-makers, without stating in the Constitution that they have to be determining factors or not.

MS HANEBURY: I think so. Because as has been pointed out even by the Supreme Court of Canada in the past, waste is the result of everything we do. If you say the protection of the environment is paramount, we can literally do nothing. Where is the balance with that sort of suggestion in the Constitution? I have a problem with putting that right in the Constitution.

MR. McINNIS: Fair enough.

MR. CHAIRMAN: Thank you. I just wonder if I could ask you if you've considered the impact of your suggestion on section 92A of the Constitution, which says:

> (1) In each province, the legislature may exclusively make laws in relation to
> (a) exploration . . .
> (b) development, conservation and management of non-renewable natural resources and forestry resources in the province.

You see, that is a concern, that the introduction of environmental jurisdiction in the hands of the federal government could interfere with that natural resource ownership management and control. I just wondered if you'd given any thought to that concern.

MS HANEBURY: I haven't given any extensive thought to it. I agree it would affect that legislative jurisdiction that the province is given under 92A. Yes, it would; it would impact on it.

MR. CHAIRMAN: We may be into a collision course, those two sections.

MS HANEBURY: Well, it would depend on how it was structured.

MR. CHAIRMAN: Yes. Are you aware that for three years Alberta had an agreement with the federal government regarding environmental impact assessments?

MS HANEBURY: Yes. I've read that agreement, and I'm aware of the new accord that came into effect in, I guess, February of '91. The western provinces made a new accord in EIA. Yes.

MR. CHAIRMAN: It worked perfectly for three years.

MS HANEBURY: Well, there are some people that think it didn't.

MR. CHAIRMAN: Well, the federal government agreed, and the province agreed. Whether or not some individuals in society didn't agree is another point, but in terms of the agreement working between the two orders of government, it did work. Those environmental impact assessments which were carried out by the federal government were approved by the provincial government and vice versa, and that involved only one process.

MS HANEBURY: I'm for the one-process approach. I have no objection to the one-process approach. I think it's very unfair to industry at this point to have them going through two processes. It just can't continue the way it is. I don't argue with you, but I'm not in agreement with that particular accord.

MR. CHAIRMAN: Okay. Thank you very much then.
Dwight Dibben. Good afternoon.

MR. DIBBEN: Good afternoon.

I'd like to thank the committee for making this opportunity for me to speak today. My comments will concern the federal government's package that was announced today, a couple of general comments as I see this next round of constitutional talks, and then a few specific points on some of the provisions that were contained in the federal government's package.

I think this round of constitutional talks is unique in that it is a round that must invoke change to our Canadian system as we know it and also change to Alberta, for this time the status quo – that is, not making a constitutional deal – is no longer an option. The fact that we may not make any changes will most likely mean that Quebec will leave our federation, and that will profoundly affect our system as we know it. One other observation I've made of the constitutional round is that it also appears to be one that's very general in that all of the provisions that were announced by the federal government today as bargaining positions would fall under the seven provinces representing 50 percent of the population. I think this is an important point in that to get some kind of constitutional deal, to get some kinds of amendments that are acceptable to a majority of Canadians, the amendments coming through this time must fall within those constraints. I think we're all aware of what happens when we try to take too many amendments and subject them to unanimity, as witnessed by the Meech Lake accord and its ultimate failure.

Turning to specific points briefly, I think the one issue that's of most concern to Albertans this time around is Senate reform. I noticed in the proposal today that the federal government has finally moved on some of the Es contained under the triple E program, that being that "elected" has been conceded by the federal government as their position, "effective" to a certain degree, and also some of the provisions under the effective power section have taken into account Alberta's position as presented in the 1985 paper Strengthening Canada, I believe. As well, the "equal" provision has been left open for consultation over the next five months, with some kind of concrete proposal to come when first ministers meet and also when the federal government's committee meets across the country to decide on that.

One of the concerns I have is that the elected portion and the effective powers portion may be all we are able to secure at this time, in that to get a totally equal Senate we may need unanimity from all provinces to agree on that. Our constitutional package from 1867 gives a provision to Quebec for 24 Senators from 24 senatorial districts, and in order to get around that without needing unanimity, we would have to expand the Senate to at least 240 members to give all provinces equal representation. I'm not a fan of 240 Senators, especially since I'm eight years away from being able to get a Senate seat. So I don't think that'll be too . . .

MR. CHAIRMAN: Well, the more the merrier, the more opportunity.

MR. DIBBEN: That could be.

A secondary that I'd like to comment briefly on is the provision that is also included this time of giving Quebec the status of being a distinct society. I believe such a concession to Quebec is acceptable if that statement is interpreted within the Charter of Rights and Freedoms that we now have. If the proposal is to interpret Quebec society from this point forward and to interpret the Charter as that, I think we may have to look a little more closely at that to ensure that Alberta and all other provinces besides Quebec are not relegated to a second- or third-class standing within Confederation. So I would encourage you as our legislators to ensure that Alberta remains on an even standing with all other provinces in Confederation. We're all distinct in some way, and if Quebec is distinct from the rest of Canada, well, we as Albertans are certainly distinct from Quebec and are deserving of the same recognition within Confederation.

The third point I'd like to touch on is aboriginal self-government. Looking at the federal proposals today, I think there is a lot of merit in what the federal government is proposing, and that is: a broad commitment to try and define aboriginal or native self-government within 10 years. I think if you look throughout the country at our different provincial leaders and governments, you're going to find as many different definitions of native self-government as you have opinions in the country. What this would entail is that there's a commitment that self-government for our native peoples will be achieved in 10 years' time either by the legislators of this country and our provinces or ultimately by the courts. This would also ensure that native self-government is put on the constitutional agenda not only this time but also for subsequent rounds when it would take priority as a constitutional item and enjoy the full attention of all our legislators.

1:43

Finally, I just wanted to comment on one subject that's of particular concern to myself, and I'm not sure whether or not it was contained in the federal package today. I haven't read through it fully, but that is the idea that we would give to the federal government the power to set national standards, particularly in the areas of health and education. As a postsecondary student myself I've taken quite an interest in education and postsecondary education, and I think that national standards could best be achieved where there is discussion first by our provincial ministers of health and education and their federal counterparts to see if national standards could be achieved that way, and then ultimately take those to a First Ministers' Conference on those areas. I would resist any attempt to give the power to the federal government, the unilateral right to impose such national standards on provinces, especially when the areas of health and education are clearly under provincial jurisdiction.

I don't want to take up too much of the committee's time. I'd just like to say that in order for this round of talks to be successful, there has to be a recognition that there's going to be give and take, that this package and the constitutional deal that we're going to try and achieve within the next year or year and a half, in that time frame, is going to have to be one where there are concessions made. Not everybody's going to come away happy. Most likely it's going to be a package where we're only going to get seven or eight provinces with that 50 percent of the population represented. But it will be a starting point. I hope that it will keep Quebec within Confederation. I feel that it's a vital part of Confederation. At the same time I don't think we should give away the farm to keep them.

With that I would just end and thank the committee for giving me the time to say my piece.

MR. CHAIRMAN: Thank you very much, Dwight, for your thoughtful approach and early analysis of the federal position paper. As I've said to the news media, we are going to be pressed – and they pressed me – to take an early position on some of the aspects of the federal paper. I've resisted the temptation to do that because we are in the process of listening to Albertans. We do, during the balance of this week in our public hearing process, expect we'll hear from people who want to give us their comments on what the federal government is proposing. The key element, I think, is that it's a discussion paper, not a position paper, which gives us the flexibility as provinces to meet with the federal parliamentary committee – and our select committee will be doing that – and with the other provincial committees or commissions, so we will have this very broad-ranging dialogue in the next few months. I think the key thing is to listen carefully and to try and reflect when we make a report to our colleagues in the Legislature and to Albertans what we've heard and that we not rush into judgments at this stage.

MR. DIBBEN: I think that's the best approach you could take.

MR. CHAIRMAN: Thank you.

MR. DIBBEN: Thank you.

MR. CHAIRMAN: Thank you very much, Dwight.
Allen MacLennan.

MR. MacLENNAN: Well, thanks for the opportunity.

MR. CHAIRMAN: Good afternoon.

MR. MacLENNAN: Well, I guess the public has made themselves pretty clear through the various surveys, the Spicer commission, the media, and everything else that they're very unsatisfied with politicians. They want to run the show themselves.

How do the politicians react to this? How do they adapt? How do they change? I mean, this sort of wave we're going through here is almost inconceivable in its magnitude. A lot of other countries around the world are experiencing this as well. They have an opportunity to get a fresh start. I think it may be some sort of mass mind going around the world that people now are at an evolutionary stage where they want to handle their own affairs, that representative democracy is a thing of the past, but there will, of course, have to be transitions taking place. An opportunity, naturally, to make a lot of these transitions would be in the form of a Constitution, not necessarily just taking an existing Constitution and doctoring it but possibly creating something new and unique. This was done in the United States; it was done out of thin air. It was done by virtually one man in a very short period of time; Thomas Jefferson, I believe, was the person. Of course, there were bugs in it, and it held up for some period of time.

I believe there are various problems, but I think they are largely brought about by the inadequacies of the current government. I think that the Quebec problem, for example, which kind of seems to be at the forefront; the aboriginal problem, which has come about more since the Meech Lake accord was shot down; and of course the public outcry regarding the replacement of politicians and their requirement for a greater voice are all new things that are coming about at this time. I think there are very simple provisions that could allow them to help to straighten out a lot of the problems that have occurred, as I said, because of government inadequacy.

There are certain fundamental principles that should be observed before a Constitution is even arranged. For example, what is government, in fact? That has to be considered. Does government serve itself? Does it serve the people? Therefore, I will make certain statements. These are not all my own, and I probably won't be able to get through all of them. Of course, if you want to ask a few questions, let me know when the 10 minutes are up.

There are certain fundamental principles that have to be observed, I think, before you can even think about writing a Constitution. The first one is utilitarianism, being simply the greatest good for the greatest number. This is very infrequently observed. Many laws are created every day that penalize the majority because of a few bad ones. I think that this is evident, for example, in proposed gun control legislation, and quite frankly, airports, a lot of crimes – people are being penalized because of a few bad ones, and that is antiutilitarian. So I believe that a principle that has to be followed is the utilitarian principle, which is that the majority rules, essentially, to make it quite simple. It's too bad if the minority doesn't have its say, but hopefully the majority will be fairly benevolent when they come to consider the minority, and the minority will have their voices as well.

Politics must be distinguished from government. Politics is kind of a self-serving interest; government is a utilitarian interest. Government is for everyone, whereas politics is for the few. Politics divert one from the central issue at hand, and it is rampant in our society.

Referendums. Alex Kindy had a Bill for a referendum that was presented in Parliament and was shot down or eliminated in some procedural way. I think that somebody kept talking until the end of Parliament, and then he wasn't even able to get on the floor, but it was pretty simple, no big deal. I disagree with the percentage of representation; I think he had something like about 10 percent, which is an enormous number. Let's face it; over in Switzerland they're looking at about 50,000 people, which is approximately 1 percent of the population, to get things rolling on a particular issue. I think that 1 percent would be quite adequate where there are policies to be enacted by the government that affect everybody. For example, propane and the environment, or auto fuel increases: these affect everybody.

Another principle I believe should be utilized is positive solutions as opposed to negative solutions. Taking the propane and automotive fuels as a pure example, we see that the government is wanting to impose gas-guzzler taxes; that's a negative solution. A positive solution would be to eliminate the 60 percent tax on propane, which has been implemented by the Getty government, for example, which would encourage more people to convert to a readily available source of fuel that's indigenous to Alberta and also very environmentally safe, very inexpensive. There are a lot of benefits. You can't have it both ways. You can't say, "I want to protect the environment," at the same time as making a tax grab on fuel, for example. Another positive solution, with the gas-guzzlers as an example, would be to tax people maybe on the number of miles they drive and also to take into account whether they have to have that gas-guzzler for their business or whether it's merely a pleasure vehicle. There are positive and negative solutions always available, and I think the history has been negative solutions. I think it must come from the old, hard, British style of justice or something like that. We must enact positive solutions in our Constitution.

1:53

Votes should be based upon the majority. Very frequently – well, actually all the time – we see governments talk about mandates, and they like to bandy that terminology about, but they don't have a mandate. Most of the people didn't even vote, so how they think they could claim they have a mandate is beyond me. When you investigate it down, you'll find a very, very few people actually are supporting that government in power. There are other systems available in the world where there is much greater representation, and the people who do not vote must be taken into account as well.

Voter responsibility. If we want to have people participating in nonrepresentative government – I'm talking about people's government, where people are really involved in the government, at least from the point of view of elections – I think they should be encouraged to vote. One way of doing that is to possibly mitigate the personal deduction on income tax. Either it could be made greater or smaller, depending on whether you voted or didn't vote. It doesn't matter who the heck you vote for. If you've got your little check mark, you voted. You're more of a citizen than the guy who didn't, so you should be rewarded.

Referendums. As I mentioned, Kindy had this proposal. A pretty simple way to set it up: you have standard committees and departments that handle elections now; it wouldn't be much more difficult to rig it.

Electronic polling I think will be a wave of the future. It will come into force, thereby eliminating a lot of cost that's involved, which will allow for quicker elections. One major problem, however, with the people getting involved in the government is that they're quite frequently brainwashed by information. The information that we receive these days is generally predigested and quite biased, unfortunately. I believe that there should be a government department in each province that's dedicated to setting up a service which is objective, current, and useful information for the people so that they can make proper decisions when they are voting on referendums or plebiscites or other such issues. There are no guarantees, I guess, that all the right information is going to come out, but a serious attempt has to be made, and civil servants being what they are – they're dedicated; they've taken an oath; they're very professional – they will do a very good job at making sure that the public has the information they need to vote on the issues.

Coming to the crux of the matter, it's that at some point in time the people will have to replace the politicians. This will be done by citizens' committees that are set up in specific areas. The government of Canada and the provincial governments will be strictly there to help and assist the organization of people who want to get involved. We're not talking about paying these guys big bucks. Typically, what happens now if you set up a committee or some kind of review panel or board, there are people who are taken from perfectly good jobs, probably high-paying jobs, and given even perhaps higher paying jobs on these boards. There are a lot of people out there who will work for free, and they'll do just as good a job. As a matter of fact, they'll do a more objective job because they don't owe anybody. They're there because they're interested. They're not kind of a blue-ribbon type committee that's been put together generally, the cynical Canadian people think, for political reasons.

The government's main task, therefore, should be co-ordinating setting up these committees, co-ordinating with the judiciary, co-ordinating with the elected representatives who would be left, and slowly they may or may not be phased out. I don't think elected representatives would be as harmful if the people are there acting as watchdogs. There's not the opportunity for the political hanky-panky that the Canadian people are just so down on. I mean, it's unbelievable. If you ever look at that Spicer commission, you look at those graphs, and they are very, very embarrassing. It's unbelievable. Mulroney did get the worst marks, however, of anybody. He was at the bottom of the list, and nobody else was really singled out. Politicians on all levels of government have been singled out by the people to be replaced, essentially, so we have to figure out how to do this. The government's main task would be to help that happen and to help the people set up citizens' committees. In other words, they would not put any money into business; they would help business organizations help themselves. The governments would help get around other nations' red tape and internal red tape within the nation, help people get around a lot of the regulations, help them organize, help the farmers, for example, organize their own markets, because I do not believe that agricultural subsidies should exist. Anyway, let's carry on here.

Equality in taxation. It seems to me that many time-honoured principles are continuously ignored by politicians who make the laws. Equality in taxation is one of them. There are many canons of taxation, and generally they invoke the principle that regressive taxation is where taxes are not in proportion to the amount of income that a person has. Quite frequently, as with auto fuel taxes or GSTs or sales taxes, this takes place. With an income tax the tax is in proportion to the amount of money made. Therefore, get rid of all these extra taxes and have a flat rate tax, maybe 15 or 20 percent, on the gross amount that a person makes, and that's it; no deductions, no mercy. I think we're going to waste a lot less money.

Certain areas that provinces and the federal government should be involved in. The provinces have to be supreme. That's the way the Constitution was set up in the first place, and that's the way it has to remain. Mulroney is whistling in the wind until the provinces make their aspirations known. He is merely a co-ordinator for the provinces. This must not be forgotten. He cannot dictate; he cannot force anything upon the country. The country is composed of 10 provinces and two territories. If they do not have consensus, then we will not have a country.

Quebec has been concerned about their particular identity, and that has been a major topic of rancor and discussion. I think that quite simply the problem is based on discrimination. Quebec can simply do anything it likes as long as it's not discriminating. In the Constitution there must be recognized two official languages but no official bilingualism. It's tearing the country apart. It's preventing our exports and imports from operating in a smooth way. If you think that somebody from the United States is going to like our preventing them from exporting to our country because they don't have bilingual wrapping – do you think there's not going to be a retaliation that takes place? Millions and millions of dollars are wasted on this sort of thing. The only things that should be bilingual will be federal government services, including highways. Provincial government highways would not necessarily be bilingual. Bilingualism would take place in the municipalities at the discretion of the municipalities and the government seat in the particular area that the language is spoken. There would be no other discrimination in languages other than with French and English, which would be given a special status.

MR. CHAIRMAN: Mr. MacLennan.

MR. MacLENNAN: 10 minutes?

MR. CHAIRMAN: We've reached 15 minutes.

MR. MacLENNAN: Oh, God almighty. Look, and I'm not even a quarter of the way through. Anyway, I tried to hit the main points, which I believe are that, you know, we've got to get rid of the typical way of doing government; people are smarter; we have electronic means. Let's go for it. Let's show the world that we are going into the 21st century.

2:03

MR. CHAIRMAN: Thank you. You've raised some very interesting points about the political process. One thing that popped out at me was that we must take into consideration the views of people who do not vote, and that is a challenge for either Legislatures or the citizens' committee approach that you are suggesting. How do you know what the people want if people don't tell you through a mechanism: voting in elections or referenda or whatever? How do you do that?

MR. MacLENNAN: You're asking me?

MR. CHAIRMAN: Yeah.

MR. MacLENNAN: Quite simple: citizens' committees. You see, part of it is that it's a circular problem: if you don't think that anything is going to happen, that you're wasting your time, you're not going to vote. I tried to set up a lot of people for the Spicer commission. I'm telling you, it was like pulling teeth. To try and get some conservative business types out there was a real toughie. You get a lot of the radical people or, you know, people that are of leftist type views. Boy, you can't get any conservative guys out there, and I wouldn't be surprised if a lot of that translates back into votes as well.

If things are ineffective, people are not going to waste their time on them, but if they can be seen to be effective, it would be a very slow and gradual process where people see: "Ah ha; all these people are actually voting on these committees, helping the government formulate policies. There is major input, and something is happening." I think that when they see that other people are affecting things, then they will feel that they'd better get in there too. That's not an easy process, but I think that's the only actual mode or vehicle that you could find out people's opinions, other than opinion polls, of course. You know, I could call you guys up every day and drive you crazy, but if there are committees that handle this sort of thing, they're going to be taking a lot of the heat, and they're going to be muddling it around. They don't have any axes to grind. They don't owe anything to anybody except the pure truth. Therefore, I think you're going to find out the truth.

MR. CHAIRMAN: Okay. Well, it's an interesting proposal. You obviously feel very deeply that we need an improvement in the system, and some kind of participatory democracy on major issues is what you're aiming for.

MR. MacLENNAN: At least on issues that affect all of us, that are never even brought to light until, poof, Getty has a gas-guzzler tax. Surprise, surprise; political opportunism strikes again.

MR. CHAIRMAN: Okay. Well, thank you very much.

MR. MacLENNAN: Thank you, guys. The best of luck to you down east when you get down there. Like I said, don't let Mulroney push you around.

MR. CHAIRMAN: Thank you. Maybe we'll bring them out here for a change.

MR. MacLENNAN: That would be a switch.

MR. CHAIRMAN: Well, thank you very much.

Our next presenter is Shannon Zwicker, but I don't believe she has yet appeared. Are Leroy Little Bear, Ken McKinnon, Colin Jackson, Robyn Gyorgy not here yet either? Maybe we'll take a bit of a break, and I can return a couple more phone calls to people who want to know my opinion on what took place.

[The committee adjourned from 2:06 p.m. to 2:30 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, I think we're ready to proceed if I could get the panel members reassembled.

Well, perhaps we'll start. A couple of our members will be coming back in during the course of the afternoon, but in order to proceed now, I'd like to call Shannon Zwicker forward to give us some of her comments.

Thank you for joining us this afternoon.

MS ZWICKER: I'm here today on behalf of the Students' Union at the University of Calgary. There I am VP external, and I deal with all three levels of government as well as the administration on nonacademic issues. We have prepared a written submission, which I will leave with you, but I'd just like to summarize the main points of that.

Understandably it's very difficult for the students' union to come forward with a very specific plan of how we think things should progress in Canada, what we see as the future of Canada, since so many students with so many different views are members of the students' union. However, what we did find is that the students, coming back and responding on this issue, did have some concerns in common. That's understandable. They're all students, and they all think education is very important. So education will basically be the centre of my presentation.

All students place a very high value on education and learning. It's difficult. It's not just a matter of tying this into constitutional reform so that we can once again approach the government on some of our issues; it really is central to both Canada's unity and constitutional reform. There are several reasons why this is. We can't come and say that students feel this way about aboriginal issues or they wish that this was done to alleviate the problems with French language rights or anything like that or how the Senate should be reformed, if it should be reformed, if it should be in existence at all. But all these problems, all these situations and issues have something in common, and that is that there are many Canadians who are very ignorant about the issues – they don't know about the Senate; they don't know about the history behind French language rights – and this is something that definitely has a link to education.

It's sad but it's true that in many of the classrooms across Canada, our history and our political system are neglected. We learn instead about Europe. We learn about the United States. I said to a fellow student today that I actually had not learned about Canada in my social studies classes in high school, and he was very shocked. He said he had. I think that mostly people who have a real in-depth knowledge of this, it's either through interest or a teacher along the way has taken the time to make that a major point of the curriculum. So the ignorance that Canadians have is manifesting itself in some ways as intolerance or just lack of understanding about these issues. One thing that we always have to keep in mind is that any change that is made in Canada's Constitution has to be taught. It has to be explained to the youth in our classrooms and also continued at our postsecondary institutions, because understanding of the issues, half of having good policies, is having people understand why they're there and why they are the best solution or the best compromise.

There's a far more disturbing trend in our education system today that has repercussions in the area of constitutional reform for Canada's future. That is the underfunding of education: the reduction in funding year after year from both the federal and provincial governments. A lot of my presentation will concentrate on the federal government, and I will turn at the end to the Alberta government and their role.

As far as the federal government goes, we have seen a trend to freeze transfer payments or reduce them for postsecondary education. This does have some very frightening repercussions. A lot more of the burden is put on the shoulders of students, and the average student today isn't what the average student used to be. At the University of Calgary the average age for students is 24 to 27 years old. Many of us are married. Very many of us live on our own, are responsible for other people, are responsible for maintaining a reasonable income in order to survive going to school. Many students find it necessary to work while they go to school. They find it necessary to be part-time students in order to work in order to go to school. So the student really is a very different beast than it was in the past, or at least as it was considered, and this has to be taken into account. There are taxes on textbooks, taxes on student loans, and, of course, higher tuition rates.

These all do have repercussions on our country because although the students have changed and they're perhaps a little older, they still are tomorrow's leaders and today's and tomorrow's leading Canadians, if you like. We're going to be taking over to a certain extent, and we really have to look at what's being done now and how this is going to affect the future.

The implications of this range from the very concrete to the very intangible. In a concrete way when students have to pay more, they have less, and they have fewer choices when they're looking at where they go to school. Many students who otherwise may have considered other provinces as a place of study will stay in their home provinces, and that is a real shame because we are in a country that is so vast, with so many different regions with different characteristics. It's such an amazing country in so many ways, and to have students feel that because of financial restraints they have to stick close to home when they would really like to see another part of Canada is a very tangible result of underfunding. What I believe this may lead to is very much a regionalization. If you are educated in one region and you work in that region and you remain in that region, you don't get to see the rest of Canada for yourself, and you have to rely on what other people tell you about other regions.

Another and some people may feel trivial thing is just travel itself. Students are known and often criticized for their interest in traveling and seeing other places when they're young before they have a family. One of the places that I believe students are exploring less and less is their own country. When Alberta students can fly more cheaply to London, England, than to Halifax, they usually do make that choice to go abroad. They don't see their own country. For people who really have a desire to see and understand their country, to be prevented because of financial restraints and then immediately upon graduation perhaps have those responsibilities that are additional restraints – it will be a lot later in their lives when students see their own country, if at all, and that is a very real thing. I really think it is tied to the amount of financial resources that students have. I don't mean to say that at this point students should have a free education, because at the University of Calgary it's been made very clear that students choose and want to contribute to their education, but with increases in tuition of $200 a year, it is making a very real difference in who goes to school, where they go to school, and what they can do in addition to going to school.

Another concern that students have brought forward is the transferability of courses in Canada: whether you can transfer courses within a degree or whether your undergraduate degree will be recognized at another Canadian institution. If our universities are bound so much by provincial restrictions that you are not able to transfer to another province either middegree or to do a graduate degree, you're again limited from where you can study. That is a concern that some students have: there are no national standards as to certain programs. A very concrete example was a student who had gone from Alberta to McGill University to study and wanted to transfer back to U of A to do dentistry and was not accepted, whereas the student would have been accepted at McGill. So the coming home to Alberta to study was made impossible.

Perhaps the most important issue surrounding education and the most difficult to address is who should control education. This is very definitely being considered by the federal and provincial governments. As students we really can't come forward and say, "Well, we know it's the federal government that should control it," or, "It should be completely a provincial matter," because students feel many different ways, and it's not that easy a question to answer.

Funding is only one responsibility of the federal government, and students are very insistent on this, that the idea of a student who's always wanting more and more money for their education is really not a realistic idea of what we want. We see that there are problems in the system. We see that there are problems in addressing the concern of whether the federal government or the provincial government should control education, but we don't see . . . I'm sorry; that really distracted me. Where was I?

MR. CHAIRMAN: You were discussing whether federal or provincial governments . . .

2:40

MS ZWICKER: Right. It's not for students to say either way, or it is not a matter of just funding. It's a responsibility for education and a responsibility that's a very great one. There are a lot of shareholders in education. Everyone in Canada, everyone in Alberta is a shareholder in education. They have something to gain from it: they have children at school; they're a student; they will benefit because of the higher tax base, greater employment within the province or the country. It's only by bringing all these different shareholders together and discussing education with them that we can come forward with any kind of idea of where to go in the future, but we do have to plan for the future. It's becoming very clear that the future of Canada depends very much on her ability to compete. Also, there is the national question, and both of these deal with education to some extent. So we really do have to address the concern of who is going to control it and to what extent. Where is the funding going to come from? Are there different solutions to the underfunding problems which don't involve simply pumping more money into the system? Because there are a lot of different systems in a lot of different countries in the world, there are a lot of different ideas for systems that have to be explored, and the best people to ask are Canadian citizens.

Now, what about the role of the Alberta government in education? I go over this simply because you are here as Alberta government representatives, and I feel that it's something we should address. We have seen waning commitment on the part of the Alberta government, not necessarily in straight dollar figures but in percentage of provincial budget, and this concerns students a lot. We know that in tough times everything gets cut, but proportionately we are cut more than some other things in that since 1987 the percentage of the Alberta budget devoted to postsecondary education has decreased, and we're the only province in Canada who has had that decrease in percentage of budget. The living allowance for student loans is another concern that students come to me with every day. They're concerned about their living allowance limits, no deductions for single parents; there are a lot of different concerns with the student loans system. The effect of underfunding this year, with only a 3.5 percent increase with 7.5 inflation, has taken its toll on all our universities.

We've put together a report which I believe has been presented to the government in many different forums. We are finding that in the classrooms, in the lecture halls, there is a decrease in the quality of our education. It's very frightening, because one thing that often comes forward is the big brain drain and how scary it is that people are going elsewhere to study. If we allow the quality of our universities to decrease – a tangible example is much larger classes in philosophy. Whereas they used to have 125 in introductory level courses, they're now looking at having 350 students. Naturally, you can't have written exams and written essays when you're 45 professors, I believe it is, short of full faculty in that faculty of psychology.

So we do have very tangible things, and what happens is that students will look elsewhere to go to school. We're not saying that the solution is more money because then that will bring our quality up; we really have to seriously look at the foundations of our education system both within Alberta and nationwide. Alberta's not the only province that has had to make some cuts, but the cuts here have been especially troubling for many students because we have enjoyed and appreciated and have benefited as a province from the high quality of education and the high commitment on the part of our government, and we don't want to see that disappear.

Basically, then, what we are calling for is a review of our system of education, both nationally and provincially, and a review of the funding, a review of a lot of the essentials that can be taken to the educational system in our high schools right through the colleges, technical institutions, universities. We really have to look seriously at what will best prepare Canada for the 21st century. It's not going to be the same world it is today. It's changing rapidly, and we have to have an education system that's at the forefront. Canada has always been a nation with a very strong standard of education, and I think we all want to continue to be. The students at the University of Calgary have given me a mandate to come today and tell you that it's important to us and that we consider that this review considering the concerns of Canadian citizens should and must take place.

That's it. I don't know if I've used more than my 10 minutes' allotted time or if there's time for questions or comments, but I'd certainly be free to answer any.

MR. CHAIRMAN: I think we have a few moments we could discuss matters with you. I think you've raised a number of interesting points which are really related to the issues of public policy and funding, which aren't going to be constitutionalized, I don't think, unless I'm mistaken. But the issue of education – of course, section 93 provides that "in and for each Province the Legislature may exclusively make Laws in relation to Education." That's the way the Constitution reads today. The federal government does not have a role directly with regard to making the laws, but they have over a period of time, through a process of agreements, started funding and have funded some areas quite generously: research and so on, educational institutions. So nobody can deny that they have a role. The question is: should we amend the Constitution to change that role, to have it constitutionalized?

So that's a point. The other point you make is about the subject of the ignorance of the issues and our form of government. I must say that that's a recurring theme we've heard throughout not just this last few weeks of hearings but back in May and June as well. It really is unfortunate that that has occurred, and quite frankly I think the province of Alberta and the other provinces in Canada have nothing to be proud of in terms of the curriculum that they deliver relative to the history, geography, and background of our own country. I think that's true across this country except perhaps in Quebec, where they have taught perhaps a somewhat different version of history than the rest of Canada has had in place.

Any other comments or questions, because I had one more that I did want to . . . Pam, yes.

MS BARRETT: Yeah. With respect to national funding for PSE, as you know, that is worked out through programs like established programs financing. Would you be suggesting that that somehow needs to be entrenched? Because as you know, it took an Act of Parliament to change the EPF and CAP. Would you think that a funding relationship between the federal and provincial governments should be enshrined in the Constitution?

MS ZWICKER: It's really difficult for me to come back and say yes or no, because the view that many students are taking is that those kinds of solutions aren't something that we are necessarily qualified to give. Students aren't experts in how funding is done and not necessarily even experts in the Constitution and what should be in it and what shouldn't be. But we feel that by calling for a review of the system, those ideas will naturally come out of that, and people better equipped to know than us will say yes, that's the best change to be made, but through participation with everyone. You know, it's certainly possible, but it almost needs a larger review than that.

MS BARRETT: Yeah. Well, it would be a pretty drastic measure, I can assure you. I'm certainly a champion of health, education, and social services, but that would be pretty drastic. Perhaps I could ask you as a person then: would you think that enshrining the commitment to programs in a social charter as a part of our Constitution would at least facilitate continuity of financial support for those programs?

MS ZWICKER: I think it's always been something – Canada has always been the kind of nation where social programs are very important. Often people point at that as the distinguishing factor between ourselves and the United States, as well as Quebec. Those are the two things I hear a lot of. Personally, I really don't have the expertise to say yes, that would do it. I think Canada definitely has to firmly commit to its social programs and firmly commit to that history of supporting its people, of being that sort of nation, of not wanting to make this huge rift between the rich and the poor in our country. I don't know if that's the way to do it. I do think, though, that a commitment of that nature, something that is very solid and concrete, would be a very good thing for our country because things are changing so rapidly. It's nice to have it enshrined, as you say.

2:50

MS BARRETT: Thank you.

MR. CHAIRMAN: Shannon, there's one area I just want to touch on, and that's the subject of transferability. The Constitution at the present time provides for mobility rights in Canada. Whether or not that could be extended to universities, the ability to transfer from university to university, is a matter of considerable interest. I'm a former Minister of Advanced Education and Manpower. I'm well aware, and anybody who's dealt with the postsecondary institutions knows, that the subject of academic freedom is raised constantly when you talk about the issue of transferability. I could go on at length, and I'm sure all of us around the table could cite examples of students who attended a postsecondary institution in this province who could not get admission into another postsecondary institution in this province because of the view within the institution itself that they and they alone will set the admission standards for the institution in question and determine whether or not a course offering at Medicine Hat College is indeed sufficient to gain transferability to the University of Calgary or the University of Alberta.

I could go on at length because it hits very close to home in my case, where both my daughters have had their courses at the Medicine Hat College denied acceptability, at the University of Calgary in one case and the University of Alberta in another, and as a result have been denied their undergraduate degrees despite the fact that one's gone through medical school and the other's at the University of Western Ontario in law. I find that, as a parent and as a taxpaying Albertan, to be enormously frustrating, yet within our own province we have these impediments put up by the institutions themselves. The constant answer is that the government cannot interfere in the academic freedom of this institution to set our own standards about admissions. So it's not an easy answer to say to amend the Constitution requiring mobility rights in postsecondary institutions.

I could go on at length, but I've obviously been too personal about this issue. It really is enormously frustrating.

MS ZWICKER: Well, you can't do that to universities the way it is now, but by calling for different input, you're going to have a lot of people coming and saying that that is their big concern, transferability, and it will have to be addressed. At least the conclusion drawn from that will take into account all the different people there, the people who've experienced things of that nature: not being accepted and their courses not being accepted. Even on top of that, although the government can't do anything about accessability, there is a link in that many students are refused admittance as academically qualified students because there simply aren't the funds to let everyone into university who wants to go. In a country that has such a high standard of education right now, we have to continue that. There must be a way of doing it. I'm not necessarily saying let's open our doors, give them a whole bunch more money, and we'll have 30,000 students at the University of Calgary. But I hate to think of what happens to those who aren't admitted and who have the desire to learn.

MR. CHAIRMAN: Stock Day wanted to get in.

MR. DAY: Thanks, Mr. Chairman. Thanks, Shannon, for the presentation. The area of federal vis-à-vis provincial jurisdiction, standards setting, things like that, is an interesting one. I wonder if you could just comment on the situation where we've got in Alberta in terms of statistical financial fact, for instance, the most generous student financing packages that are available in the country, probably again this year the highest per capita spending in postsecondary of any province, and the highest amount of research dollars per faculty member of any other province. If you have the federal government setting the standard of funding and if they look at an average in Canada right now, we would be significantly higher than what they would say the standard would be, and we possibly could say, "Well, the federal standard is way down here, so we're going to drop down." That's a concern that comes forth in the whole thing of federal versus provincial setting the standard. In your view, what should be put in place, or can something be constitutionally enshrined or somehow so that the province of Alberta, which does have those high levels, if the feds come out with a lower one, which it would be on the average, wouldn't be able to drop down to that? How do we handle that?

MS ZWICKER: First, I'd just like to address reaching and having a national average and that being a bad idea for Alberta. I can't resist just mentioning that it's a concern that students have a lot. It's a real big concern to students because recently what's been proposed is that our tuition fees should reach the national average. We don't feel that Alberta, like you don't feel, is an average province. We don't feel we've ever been average in education. To attain a national average, because it's a standard simply plucked from the air, I think is dangerous. I think in this case it's dangerous as well. I'm not advocating a federal takeover of education but simply a dialogue, because there are several things that can be addressed, there are several changes that can be made. The funding structure that is later put into place – I know that Albertans will very much desire the high standards they are used to experiencing, and there's no reason why it has to average out. That's not necessarily the way things would work. It may involve a different ratio of provincial funding, federal funding.

All, I guess, I'm really getting at is that the federal government has been financing education without accepting the responsibility that goes with their financing. I think they're going to have to seriously look at what's happening in the provinces and look at the issues of should they have control or what sort of mechanisms should be put in place or create some standards, something anyway, because there is a responsibility that goes with giving money and which goes with cutting the funds that you're giving to education.

MR. DAY: Thanks.

MR. CHAIRMAN: Well, your comment on dialogue is absolutely correct. There must be a dialogue between the federal government and amongst the provinces, but it has to be real dialogue. I can recall a meeting in Fredericton, New Brunswick, of the Council of Ministers of Education for Canada when the Secretary of State of the federal government came and said: "We're here to have dialogue with you, and this is the dialogue. We have X number of dollars for a new training program, and we will give it to you providing you accept these standards and criteria." End of dialogue. So we've got to make sure that it is real, and that, of course, is something we're aiming for.

Thank you very much.

MS ZWICKER: Yeah, we've had this same sort of dialogue. It's called: yes, we will give you your loan, but please write us a cheque for 3 percent of the amount.

MR. CHAIRMAN: Yes, I've heard that.

MS ZWICKER: Should I leave my written submission with you?

MR. CHAIRMAN: Yes, if you would, please, and we'll circulate it not only to members of the committee but to the other members of our select committee who aren't with us on this particular panel.

MS ZWICKER: Great. I'd like to just thank the panel on behalf of the University of Calgary students for listening to us today. I know a lot have been coming in person and many of them have been addressing similar concerns. I know it helps a lot for you guys to be here listening.

MR. CHAIRMAN: Thank you very much.

MS ZWICKER: Thanks.

MR. CHAIRMAN: Leroy Little Bear, please. Welcome. Please proceed.

MR. LITTLE BEAR: Thank you very much. My name is Leroy Little Bear. I'm a member of the Blood Indian Nation. I am a constitutional adviser to Mr. Ovide Mercredi, national chief of the Assembly of First Nations. I am here representing the national chief, who, due to other commitments, could not make it here.

I would like to thank you for this opportunity to appear before your committee to share with you some thoughts on the Constitution of Canada. There are many issues which can be brought forward, but due to time limitations I will only address two: how the First Nations have viewed our relationship with Canada and how we see a new relationship; and secondly, the First Nations parallel constitutional process.

3:00

Firstly, the First Nations' relationship with Canada. The best way to describe the relationship is to quote the national chief when he spoke to the Premiers at their meeting in Whistler, B.C., on August 26, 1991.

> You know we have always been here on this land we call Turtle Island – on our homelands given to us by the Creator with a responsibility to care for and live in harmony with all her creations.
>
> The responsibility to care for this land you call Canada was given to us by the Creator, and we have carried this responsibility since long before the immigrants came to our homelands. We are here to participate in the completion of Canada because we bear this continuing responsibility for the land. Our identities and rights as distinct peoples flow from our relationship to the land, as do our aboriginal title and treaty rights.
>
> We are the founding nations of Canada and we will not allow the lie of only two founding nations (English and French) to continue. Canada is and always has been our homeland – this must be recognized in the constitutional order.
>
> This lie is particularly offensive to the First Nations because your own history shows that our relations were that of nations-to-nations. For example, the first treaties between Europeans and the First Nations, such as the treaty of 1752, were treaties between equals and were relationships which were based on the fact that we are not subordinate to your governments.
>
> There has been a continuity in our treaty relationships, from the pre-confederation period to the present, which reinforces the fact that our relationship with the Crown is one of equals. Despite this reality, our relationship as equals is not respected and the promises made in the treaties have been consistently breached by your governments. We have been dispossessed of our homelands even though prerogative instruments like the Royal Proclamation of 1763 confirmed our pre-existing rights and committed your governments to dealing with us on a consensual basis.
>
> In addition to these continuing injustices, we have also suffered at the hands of many racist and colonialist policies which the federal and provincial governments have devised. This has made it difficult for us to live our lives with dignity in our own homelands. Although we have had to endure these injustices, we are not the only ones who have been affected by them.
>
> You have also been affected because you have inherited a way of seeing First Nations people which cannot work in a free and democratic society. Despite the events of 1982, your constitutional values are still founded on the ideas which were prominent in the colonial era – power, greed, exclusivity, and the rejection and denial of other cultures.
>
> A great nation cannot emerge from these values. However, there are other values, which we have always used to relate to all of creation, such as respect, sharing, and harmony. These are also part of your culture, although they are not currently part of your political discourse. Nevertheless, these are the values which the First Nations believe a new constitutional process must be built upon.
>
> We are not willing to passively accept the totalitarian policies which govern the lives of the First Nations in this country. There have been historic developments in the Soviet Union to end oppression. Canada too needs to rid itself of oppression of First Nations. Canadians will not live with a political future of many Okas. No oppressive regime continues forever, and we will fight to end it in this country. Just as the Prime Minister applauds what people are doing to end domination over their lives in the Soviet Union, the international community is watching Canada and would applaud an end to the control over the First Nations. The First Nations view our relationship as that of equals with the Crown, as a continuation of the treaty relationship of mutuality where no side can unilaterally act without consultation and partnership.
>
> This partnership is symbolized by the gus-wen-tah or two-row wampum between your ancestors and my ancestors. The two-row wampum committed us to a relationship of peaceful co-existence where the First Nations and Europeans would travel in parallel paths down the symbolic river in their own vessels. The two-row wampum committed you to travel in your vessel and not attempt to interfere with our voyage. The two-row wampum captures the original values which governed our relationship with the newcomers – equality, respect, dignity, and a sharing of the river we travel on. This is how the First Nations still understand our relationship with you.
>
> Our agreement expressed in the two-row wampum was with the Crown. Today, we see the federal Crown as the trustee for the promises made by your ancestors in our treaties. We must make you understand that provinces have no direct authority over our peoples or territories because that was not part of our original relationship.
>
> We want to work with you, as equals, in order to facilitate respect and acceptance of our authority over our peoples and territories. We want to continue this dialogue with you in the future so you will understand our vision of a new Canada which

> includes us, and so that you can be a partner in completing the circle of Confederation. We must steer our own vessel. This is our sacred responsibility given to us by the Creator when we were put on Turtle Island.
>
> The threat of separation from Canada by any province will not alter this fact. You cannot take away from us our sacred responsibility for this land or our inherent aboriginal rights. Any attempt to take away these rights in the name of self-determination for Quebec will be an international violation of our rights of self-determination on our homelands. Bill 150 of the Quebec National Assembly purports to set out a framework for the separation of Quebec from Canada. Such purported separatist threats demonstrate to us that the principles of the two-row wampum are not being honoured in Canada. No province can unilaterally decide for the First Nations the path we will follow. We will oppose these fantasies of unilateral secession because they are based on a denial of First Nations' authority over First Nations' lands.
>
> We want you to ensure that the relationship embodied in the two-row wampum is respected and that no unilateral decisions are made regarding Quebec. You cannot priorize Quebec's ambitions over our long-standing claims for justice.
>
> The First Nations will not beg Canada to recognize us as political entities when international law already affords us that status.
>
> As peoples with distinct cultures, languages, governments, territories, and populations in Canada, we must be recognized as full and equal participants in the constitutional reform process. We can speak for ourselves and no one else has the political or spiritual authority to speak for us. You cannot speak for us because you are different and your heritage cannot define us. If you define us with your heritage, you enslave us. Even when the citizens of our nations are living outside of our communities, we still represent those people and we will still make decisions considering their well being.
>
> I ask you today to deal with First Nations as equals and end the legacy of racism which is as outdated as slavery.

Our national chief very succinctly stated the view of First Nations of their relationship with Canada.

3:10

Now, the second item I want to address is the First Nations' parallel constitutional process. I would like to quote again the national chief when he spoke to the Premiers as follows:

> The First Nations' concept of Canada will come from the people and will be rooted in our responsibilities for this land. I can share with you our four working principles or goals for constitutional reform. However, as we are asking our people for their [visions] in an independent constitutional consultation process, we reserve the right to elaborate further on these essentials after those consultations are completed. It is important for us to develop a consensus with our people because our governments and our legitimacy as leaders are rooted in consensus.
>
> Without pre-empting our constitutional positions, there are at least four essential goals for constitutional justice for the First Nations:
>
> 1. Constitutional recognition of our legal and political character as distinct peoples. This will be achieved through constitutional recognition of our treaty and inherent aboriginal title and rights.
> 2. Constitutional recognition of the limitations of federal and provincial authority over First Nations' peoples and First Nations' lands.
> 3. Constitutional recognition of the participation of First Nations in co-operative economic federalism, including the articulation of fiscal responsibilities for self-government.
> 4. The involvement of the First Nations as full and equal participants in all constitutional reform processes.

Operationally, the parallel constitutional process will work as follows. Number one, a commission consisting of seven members will travel across the country to conduct consultation hearings. Depending on financial resources, the commission will conduct a minimum of 30 hearings. These hearings will be open and aimed at as broad a cross section of the First Nations community as possible. Though the process is primarily for the benefit of First Nations people, it is not exclusive. In fact, the Assembly of First Nations encourages the federal and provincial governments and nonaboriginal people to participate.

Number two, in addition to the commission that will travel across the country, there will be four national conferences to specifically consult with the following groups: elders, women, off-reserve First Nations citizens, and youth. The parallel process will articulate a First Nations position on constitutional reform grounded upon guidance from and the wisdom of all the voices of our people. We believe this approach is in keeping with our holistic philosophy and respects the interrelatedness and mutuality of all First Nations and creation.

To conclude, I would like to present to you copies of the First Nations' parallel constitutional process, which explains the process in more detail. I have these copies, which include the presentation.

Thank you.

MR. CHAIRMAN: Thank you, Leroy, for your presentation. I was present in Whistler when Chief Mercredi presented his comments to us. I must say that I welcome your presence here today, and I certainly welcomed his presence at that table with the Premiers in Whistler. As someone who has been at every constitutional meeting in Canada since 1981, the time when there was a refusal on the part of the Assembly of First Nations to involve the provinces in the discussions I think was frustrating getting to a solution. So I very much welcome your being here today.

I'd also like to say that we had sent an invitation to you and other groups to have a round table discussion with our entire 16 members. We're working on that. I understand you've responded favourably to that. I do look forward to the opportunity of having that special open, public meeting for those discussions before we sit down to write a report and make recommendations to our Assembly.

Questions? Comments? Yes, John.

MR. McINNIS: I understood that the process you outlined, the seven-member commission, is internal to the National Indian Brotherhood.

MR. LITTLE BEAR: The Assembly of First Nations.

MR. McINNIS: The Assembly of First Nations. I'm sorry.

MR. LITTLE BEAR: Yes, that's correct.

MR. McINNIS: What's your view of the royal commission that's recently been set up by the federal government? How do you see that fitting into the constitutional discussion? Or maybe it's about something altogether different. I don't know.

MR. LITTLE BEAR: The position of the Assembly of First Nations is that they welcome the establishment of the royal commission. However, their interpretation of the terms of reference for the royal commission is that the commission is going to deal with the past, with what is and what has actually happened. The Assembly of First Nations' parallel constitutional process is about the future, what should be. So the two don't really conflict.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you for your presentation. I was wondering whether the assembly has taken a position on the proposal from the parliamentary committee to provide for special native representation in Parliament or, alternatively, the reform proposals, issued by the government this morning, proposing special seats for natives in the Senate. Does the assembly have a position on whether you support that or not?

MR. LITTLE BEAR: The position of the Assembly of First Nations on the tabling of the proposals by the Prime Minister this morning and the other proposals with regard to allowing for a certain number of seats in Parliament to be filled by First Nations citizens is that those are proposals – they take them as such – and we're waiting on the proposals that are going to arise out of the parallel process. We are not going to take any firm positions. We may give some initial reaction. In fact, the initial reaction to the proposals that were tabled today was not very favourable, which, according to the assembly, makes it all the more urgent that we follow through and conduct our own consultation process.

MR. CHUMIR: Might I ask you to perhaps enlarge a bit on your more global reaction to the proposals today that you just referred to? Is there more?

MR. LITTLE BEAR: The position is simply that their proposals, the outlining that native people are going to participate in the constitutional process – it's not very clear how. That the First Nations are going to be guaranteed self-government within 10 years: we ask why 10 years, and why allow the courts to define laws if agreements can be reached? There are a number of blanks in the proposals. For instance, there is no mention about land; there's no mention about treaties. We don't agree with the idea of entrenching property rights in the Constitution. Those have a lot of implications with regard to land claims, a lot of implications with regard to the environment and so on. If corporations are going to buy lands, they can argue, "This is my land; it's in fee simple and I can use it any way I want to use it" and so on. So we have a number of concerns with the proposals tabled today. But the overall thinking and attitude or, if you want to call it, position is that they're simply proposals. We're going to be coming up with ours, hopefully, by about February, and only at that time will we be willing to sit down with governments and discuss and dialogue and negotiate.

MR. CHUMIR: Thank you.

3:20

MR. CHAIRMAN: Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. I want to thank you, first of all, for coming, Leroy. I'm always very interested in hearing what the position is from the various native groups we have around the area.

I wanted to know what your position was regarding the courts having the jurisdiction of defining self-government. That was just a proposal before, but you answered that quite well.

The other question. There is a proposal that is being brought out by, I think, Senator Marchand regarding the aboriginal electoral divisions. I wanted to know what the AFN's position is and what the position probably would be of Treaty 7. That's where you're from, right? Treaty 7? Or Treaty 6?

MR. LITTLE BEAR: Right. I'm from Treaty 7, yes.

I have not really been directly involved in the Treaty 7 tribal council's discussions about those proposals, so I really couldn't speak for them even though I'm from the area. In speaking to people generally, the same attitude seems to pervade and be prevalent; that is: "Well, those are proposals. We're going to come up with ours." The major distinction, it seems, that's being made as outlined in this presentation is that the proposals – the parallel constitutional process – are very different from what the government has done. The government has sat behind closed doors, come up with proposals; they will then take those proposals and tow them across the country for reactions. Well, there are lots of possibilities that those proposals may end up being sold as the government's proposals and so on, or some particular party's proposals but not Canada as a whole, not Canadian proposals for constitutional reform.

Our process is basically going to be the opposite. We're not making any assumptions about what our people are going to tell us. We're going to go and ask them, and it's only as a result of what they tell us that we're going to come up with proposals based on what they say.

MS CALAHASEN: That's why I'm glad that you're going to be involved in that process with us.

MR. LITTLE BEAR: Right.

MS CALAHASEN: Good.

MR. CHAIRMAN: Thank you very much, Leroy, for your presentation today, and we look forward to some further discussions with you. I think the key thing is that we must keep talking to each other and to the federal government and to Canadians and Albertans and break down some of these walls that exist now.

Thank you.

MR. LITTLE BEAR: Thank you very much.

MR. CHAIRMAN: Hal Walker, I understand you're now taking the place of Ken McKinnon. Good afternoon.

MR. WALKER: Good afternoon. How are you? Mr. Chairman, committee members, ladies and gentlemen, my name is Hal Walker. I'm a businessman and an Albertan and a concerned Canadian. I live at 1106 Valois Avenue SW in Calgary. I'm a director of the Calgary-Elbow Progressive Conservative Association.

The viewpoints that I am expressing here today have been discussed with friends, neighbours, fellow workers, and members of our constituency association. These viewpoints are not all-inclusive, they're not deeply researched, and they're subject to further discussions. They do not necessarily represent a consensus of those with whom discussed but are in fact some viewpoints which have some validity. They may be seen by some to be controversial or even offensive but must nonetheless be voiced and considered. I've outlined the points in very brief point form, and I hope that they will serve to perhaps spur some discussion amongst us.

My first point is the constitutional format. We believe that the Constitution should lay out broad ideals. It should set forth a framework within which issues may be resolved as circumstances change. It should be structured to withstand the test of time. Commercial or social or societal issues should be addressed and resolved within the framework set out in our Constitution, and these solutions may evolve or change as our country and the world and society change.

On the issue of constitutional amendment we believe that amendments to the Constitution should require the approval of seven or more provinces representing 50 percent or more of the population of Canada.

With respect to the Senate, we believe the Senate should resume the role that was intended at the time of Confederation; that is, to provide a check and balance, to be a body of sober reflection that ensures government for the best benefit of all Canadians. In that respect it should be elected. There should be an equal number of Senators from each of the provinces, and it should have the governing authority to effectively fulfill this role that's been set forth for it.

The federal role. The federal government should have authority and jurisdiction in areas of national concern such as defence and currency. It should serve as a monitor to ensure a uniformity of national standards which have been established in conjunction with the provinces in terms of social programs, environment, health care, education, and immigration.

The provincial role. The provinces should provide the input that establishes the standards of the social, environmental, health care, education, and immigration programs. The provinces should then implement and administer these programs and should have access to direct taxation to fund the budget to do so. All provinces should have an equal say in the negotiation of interprovincial agreements and in consideration of constitutional amendment.

Quebec. Quebec should be recognized for its distinct language and culture and should be able to preserve it within the province. Quebec should not receive any powers which are different from any of the other provinces.

Aboriginal issues. Aboriginal Canadians should enjoy the same rights as all other Canadians. Perhaps there could be an establishment of self-government for Indians within the municipal/provincial/federal framework of Canada. Aboriginal self-government and an aboriginal nation within a nation are popular buzzphrases today. I don't personally understand well enough exactly what these concepts entail or mean. Could some form of self-government within the structure that exists in Canada accomplish this end?

Multiculturalism. People who live in Canada are Canadians. They should have the right and in fact should be encouraged to preserve their cultural heritage. There should not, however, be a government-funded program for this purpose.

Bilingualism. I don't think that English-speaking Canadians want to force French-speaking Canadians to speak English or that French-speaking Canadians want to force English-speaking Canadians to speak French. The official bilingualism experiment in Canada has not worked. It has been incredibly expensive, and it's been divisive. Perhaps now is the time that it should end.

Federal/provincial administration. We must debureaucratize Canada, eliminate the overlapping of administration of departments and programs, and decentralize our system of government.

Economic development. We must strive to be a more competitive country in a global sense and carefully consider the ramifications of domestic policies which may curtail our worldwide competitiveness.

In summary, we would like Canada to survive and prosper as one nation. This will require that all Canadians look realistically at their own wants and needs from an economic, social, and political point of view. Too many citizens' groups and politicians have been strongly voicing extremist points of view and stating polarized positions which the press enjoys perpetrating. I believe that in our heart of hearts we all want to remain Canadian. It won't be easy, and it won't be painless. It will require compromise on all fronts, and as a Canadian I hope we're up to it.

Thank you.

MR. CHAIRMAN: Thank you, Hal.

Questions, comments? Yes, John.

MR. McINNIS: Mr. Walker, I'd like to thank you for your submission as well. The process you suggest for setting national standards sounds to me like a collaborative process of the provinces, almost a round table kind of a process. My experience with those is generally very good. Usually 80 percent or more of the issues can be resolved through discussion and dialogue, but there's always that 20 percent that you can't quite come to an agreement on. I'm just wondering what your view is of what happens to those other 20 percent that have to be arbitrated in some way. What would be the decision-making process in terms of establishing the national standards? Would you say that would be the federal government or some kind of a weighted voting system or the Senate? How would you see that?

3:30

MR. WALKER: In our opinion, it does have to decentralize. The way that we have discussed it and what I feel is that it should not be a federal position that dictates what should occur. The way that we have discussed the constitutional reform or amendment is such that it would require a consensus of seven or more of the provinces that have 50 percent or more of the population. In the confines of a federal/provincial discussion, I see no reason why this same sort of formula couldn't then in fact govern those sorts of disputes or inabilities to come to a decision.

MR. McINNIS: So you'd go with the seven and 50 even though it might mean that Alberta would be outvoted on a question of what the national standard would be, say, for health care, education, what have you.

MR. WALKER: I think that there does have to be some sort of national standard. I think that it could work, and as we have seen in some of the areas such as the environment, we have a higher standard than even what the federal one is within the province of Alberta. I think always what you're doing in federal programs is setting what is universally the minimum standard. If a province decides that it would like to exceed that standard, I think that's commendable.

MR. McINNIS: I don't want to debate Alberta standards, but the seven and 50 formula in the Constitution includes the federal government; the federal government has to agree as well. Is that part of your proposal too?

MR. WALKER: I think in these types of negotiations you'd have to amend that in some way, because I don't believe it would be workable in that fashion.

MR. McINNIS: So the seven and 50 without the federal government.

MR. WALKER: We're speaking of amongst the provinces; that's right.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Great.
Sheldon.

MR. CHUMIR: Thank you, Hal. You mentioned that your attitude and views with respect to multiculturalism are that preservation of one's heritage is the responsibility of the group and that the government should not be funding that. Actually, I have some sympathies towards that, let me say. I was wondering whether that would extend, for example, to schools that groups might want to establish on their own to further their ethnic heritage, language, religion, or whatever. Would that fall under the same category of self-responsibility and not government funding?

MR. WALKER: In my opinion, I think that if a school is established or an educational program within a given area, it would have to still adhere to what the standards are for the Canadian or the provincial educational standards which we have set. That is to say, I think it is counterproductive in Canada to introduce educational formats in areas that are vastly different from the balance of what is occurring around them but at the same time to include programs within that school which are perpetuating a different culture as part of it. I think that should be encouraged, and in fact it should in some way be recognized for funding and qualification for such.

MR. CHUMIR: You would do that. What is it, then, that you wouldn't fund in terms of preservation of the heritage, if you'd fund the schools?

MR. WALKER: If they are speaking of, as part of their program within the school, including programs that perpetuate their culture, I'm not saying that you should then not fund the rest of their educational system within that school. I guess what I'm saying is that I think that they should be allowed to have different ethnic or cultural classes as part of their curriculum, and that should not disqualify their school. At the same time, I don't think you should say that what you will allow it to be is totally an ethnic- and culturally-based education program that they do have.

MR. CHUMIR: Might I then ask just what is the philosophical basis of government policy not funding and assisting in the preservation of their heritage? Why would you not do that?

MR. WALKER: It goes back to, I think, the discussion of the Canadian cultural mosaic versus the American cultural melting pot, where I think that we want and are striving to create a national identity in Canada. We want to be Canadians first and preserve the thought that people are Canadians and are proud to be Canadians. That doesn't mean that you should forget that your background originates from some other culture. As I said, I feel that we should encourage people to preserve the feelings of their cultural heritage. But we're trying to unify a country and make people be proud first of being Canadians but still recognizing the fact that their other cultural background exists. So I feel that we shouldn't be funding what can be seen to be almost a divisive sort of program in our multiculturalism program as it exists.

MR. CHUMIR: Well, I've asked enough questions, but it seems to me the most divisive thing you could do is have children go to school separately and be segregated, and that's what you seem to be acknowledging in the schooling system, and that's the most important. I find it hard to reconcile that. In any event, that's another debate, longer, for when we have more time.

MR. CHAIRMAN: Thank you very much, Sheldon and Hal. You haven't had time, I'm sure, to react with your colleagues on the proposal which came forward today from the federal government, but you note that they tried to define the distinct society to include language, culture, and the Civil Code specifically. You indicated that you were prepared to see the recognition of a distinct society involving language and culture. Would you think that in a general way the federal proposal has gone some distance to meeting the question of defining distinct society by what they have done today?

MR. WALKER: You're correct; I haven't had time to mull it over well enough or give it deep consideration. I don't understand what the ramifications of the Civil Code would really mean.

MR. CHAIRMAN: Well, it's been in existence in Quebec since Confederation. They've had the French Civil Code in effect, and we and all the other provinces have had the British common law. So it's there, and putting it in as a definition perhaps helps, I think, to define distinctiveness in the way that it wasn't done in the Meech Lake thing. So we're going to take a look at it. I'm not making a definitive statement, either, at this stage, because it's obviously too complex.

MR. WALKER: I don't think that it necessarily confines it to saying just language and culture and Civil Code. I think that's merely one more elaboration on what it is, as I understand it.

MR. CHAIRMAN: Well, that's an interesting debate, and lawyers could get into that for quite a long time.

In any event, we appreciate your presentation, and thank you very much for coming forward.

MR. WALKER: Thank you very much.

MR. CHAIRMAN: Dr. Colin Jackson. Welcome.

DR. JACKSON: Thank you. I produced a paper, and I had occasion to dash down to Butte, Montana, earlier this morning and just got back in time to pull it off the computer. I found quite a few mistakes in it, so I'm going to eliminate a lot and just get to the meat of the sandwich.

You might notice from my accent that I was not born in Canada; I was born in Australia.

MR. CHAIRMAN: I was going to guess that.

DR. JACKSON: Crocodile Dundee. I have been fortunate enough to live in quite a few countries, including some underdeveloped ones like Papua New Guinea, which I won't talk about, but I've had a chance to become involved in political systems in several nations. It's interesting to see the subtle differences that apply even throughout the British Empire.

I know as political representatives you probably get a lot of criticism on different things. I'm not going to be critical; I'm going to simply make some suggestions, for what they're worth.

I go back to the Meech Lake accord and its failure. I would like to say let's not regard it, as we have been doing, as a problem, but let's regard it as the start of a solution, because to me the whole structure of Canada needs to be changed to some extent to make things more workable and more of the type of thing government for the people rather than government for the party. I think we can achieve that.

3:40

Let me just outline some of things that I've come across in other nations, and I'd like to suggest the changes that could be done here that would eliminate some of the problems. The first one is that I believe the leader of the political party should be appointed by the party but elected to government by the people. In other words, I don't think the Prime Minister should be elected in one electorate, nor do I think Premiers should. I think the Premier should be elected right across the province by the people even though he may be initially appointed as the leader of the party by the party. I believe the same thing should happen in the Prime Minister's case. To me this eliminates a problem. We've already had allegations in Alberta, lots of them, about patronage of political representatives: favourable treatment of Stettler and things like that. If the Premier was appointed across the whole province, it would be pretty difficult for anybody to allege that there'd been favouritism in one particular area. Similarly for the Prime Minister. People seem to think that he's favouring Quebec. Maybe he is; maybe he isn't, but if he was elected across the whole nation, if he does favour an area, there'd be no reason for him to do it for a political reason.

I believe there's a firm need to entrench in the Constitution and by law a balanced budget. The law that's in place or going into place at the moment is not for a balanced budget; it's purely a law for a short time to come within a certain range. I think the variance on the budget should be defined by the gross national product of the country not just an arbitrary 5 percent over and above last year's budget. In other words, if the nation is producing a lot of goods, let's have the government have a little bit more money to spend; if the GNP is down, let's limit the budget accordingly. I think that should be firmly entrenched in the Constitution. The budget should not be balanced, in my opinion, by the application of direct or indirect tax increases. I believe that any new taxation should be ratified by the population as a whole at referendum or during an election. Other nations do this. I lived in the United States for six years, and that applies in a lot of the states there. They cannot go for bond election and things like that without getting it approved by the people, and that puts a certain amount of control on things.

I believe that members of the government should have a free vote. I think members of political parties follow political lines, but I don't think it should be virtually mandatory that they follow the policy that's defined in caucus. To me, to some extent – and the same thing happens in Australia – it almost makes a charade of the debate on the floor of the House, because the matter is basically decided before they get in there. It gives the opposition a chance to be critical, but it doesn't really, to me, define anything. In the U.S. I noticed on a lot of occasions that politicians there looked for opinion from lobbyists and from the people and then voted accordingly. It was only on specific occasions that the party line was applied. Loss of a vote, of course, should not be cause for dissolution of government in that case.

I believe that the sole reason expenses of politicians and senior public servants should be tied, as I mentioned before, to the gross national product – in other words, let's give politicians a good salary that they can certainly live on and be proud to be politicians on, but let's tie any increments to their success in government, by tying it to the GNP. I find particularly in Canada – to some extent it happens in Australia but more so in Canada and less in the United States – that you get this empire building amongst public servants more than anything else, senior politicians. They're more interested in keeping their own job and building up their empire than they are in seeing progress, even though they may give lip service to it. I had a classic example here of projects that I've worked on for some years and I'm always told why they can't be done. I began to think it was something wrong with me. I went down to the United States and was only there a few months when I introduced a particular project for which I ended up getting a federal government award. The attitude was: let's not talk about it; let's get on and do it. Here I run into the obstacle of all the reasons why it's difficult to do: it's got to be studied or we've got to have papers done on it. Those things are necessary but not to the extent to which we do it in Canada.

I believe that job security within the public service should be equivalent to job security in private industry. We have strikes on at the moment which are more oriented around job security than around salaries. I think that years ago it was necessary to introduce job security to the public service because salaries and conditions were low so therefore you needed to induce people to come and work long term for the public service. That has changed to where public servants are way ahead of a lot of people of equivalent nature in private industry, and yet they're still wanting this job security. I know the government's fighting hard about those things at the moment.

I believe that the term of government should be fixed; in other words, let's not have this ability to extend a political life for a year. All it does is mean that if a government is not performing, it can drag things on. Saskatchewan at the moment is a classic example. Right down to the last minute they've dragged out an election, and they're way behind in the opinion polls. A government should be forced to go to election on a given date that is the correct term – I think that here it's four years after the date at which they were elected – and if they're not performing, that's how it is at the time of the election. They'll be dealt with accordingly by the people. But being able to drag it on and then use taxpayers' money – and this is happening in Saskatchewan at the moment, very much so; I've just been across there this last week – to introduce development at the last minute that maybe should have been done two or three years ago to try and rewin an election . . . I don't want to be critical of any particular party, just critical of the policy. I believe it is bad for the individual, for the voters themselves.

I believe right throughout Canada there should be a very strict standard of ethics developed for politicians. We've had enough allegations. A lot of them fell through recently, as you know, in the federal sphere, but a lot of them are proved to be true. I think if we define, so that politicians understand what is expected of them, what that code of ethics should be – and it should be a national thing. To me, we talk about differences: what we're going let the federal government do and what we're going to let the provinces do. I think the federal government can set standards in certain things, certainly a standard in a code of ethics. If the provinces want to better it, they should be able to. They shouldn't be able to go any less than it.

The same thing sort of applies to environment as far as I'm concerned. Environment is not a local situation. Environment is not even a national situation; it's an international situation. So if the federal government sets an environmental standard, then the provinces should follow that standard if they wish. They should be able to improve on it but not be less than it.

I don't know whether governments have tried this or not, but I'd like to see governments live with a zero-based budget. To me the budgeting process that happens here and in Great Britain and in Australia, where you take last year's budget and then try and negotiate a percentage increase above it, is not good budgeting. I like to see a budget where fixed costs that are known can remain fixed or be given their increment where a salary increases and things like that, but the flexible portion of the budget should be graded into categories. The ones that are most important are included in the budget until you get to a category where the Treasurer can decide that there are not enough funds to do the latter things that are not so important. They can be excluded from the budget. If you go back to zero-based every time instead of following the old route of just increasing from last year, I think the government could save money by using that process. It's used quite extensively in business.

I think we've had a problem here with all kinds of subsidies. I know both federal and provincial governments are trying to eliminate subsidies, and I think we have to. The problem seems to be that people themselves want everybody else's subsidy to be taken away but not theirs.

3:50

MR. CHAIRMAN: We've noted that.

DR. JACKSON: As a matter of fact, I just went to Saskatchewan with a project where we're not asking for funds, and I think it's the biggest mistake I ever made. The project is one that is popular amongst the people. We've had public meetings, and everybody wants it, but I think the government thinks there's something wrong with us because we're not asking for a subsidy. I guess that's a habit that people have got into.

I believe that government has to fund certain things. Research and development in conjunction with industry is lacking in Canada, and I think that should certainly be looked at. We should retain our health and medical benefits situation. It seems to me to be one of the best in the world. I've lived under the U.S. one, and it's expensive. The quality of service there from it is very good, but there's a lot of people that cannot get good medical service in the U.S. Even though when they're poor the system allows them to be treated, there's a lot of doctors that won't recognize the health fund in that regard. A similar thing with old-age pensions. I'm getting old; we should look after our old people.

I'm against the type of fund – to me a classical example is the magnesium plant down the road here. I don't think that should ever have been funded. I've been involved a little bit in the magnesium industry. There's a very limited market for it. Some of the companies in the U.S. that manufacture magnesium have a surplus. They're battling to exist. We go and fund a magnesium plant, and we fund it at the same time that Quebec funds a magnesium plant and gives a magnesium company, which is very energy intense, a 1.5 cent kilowatt/hour rate, which the utilities here cannot match. It was only a recipe for failure. I don't blame government in this regard; I blame advisers to government for bad information. You should rule very, very hard at that.

Let me just touch on one other thing, and I'll end here. A thing that I found extremely interesting in the United States was the ability of the ordinary citizen to have real input into government. The situation is somewhat different there. You don't have ministers in charge of departments. In the States they form committees for different requirements – there might be a committee for energy, a committee for highways, and so forth – and the average citizen can go along to a committee meeting. What happens is that they draw up a Bill, it's advertised beforehand, and you can get a copy of the Bill. If it has a fiscal impact, that's put on the bottom so you can see what it's going to cost. You can go along and actually talk for or against a Bill in committee stage, and the politicians listen. We don't expect a politician who comes in as an attorney to know all about generating electrical power, for instance, but we expect him to listen and get the information in order to make a constructive decision about the matter.

The interesting thing was that I wasn't even a citizen but I was involved in lobbying six Bills through the state Legislature in Utah and was invited to speak on the floor on two occasions. Because they were complex Bills and the politicians didn't know enough about it, they had the ability to invite people in that they thought had knowledge on the subject to answer the questions for the politicians. Boy, you really feel as though you have some input into the act of government in that regard. It might be something that would be well worth looking at doing here.

Not being born in Canada I'm not very cognizant of the situation with Quebec, which seems to be the big problem and seems to be the trigger why all these meetings are being held. I'm not fully aware of the history, but I do see some strange things. I noticed the gentleman before me spoke of the legal situation there, and I didn't realize it was entrenched way back at the date of Confederation. That seems very strange to me. A country should have but one law for Indians as well as for Quebeckers as well as for Canadians or Pakistanis or Australians for that matter, if they're living in the country. I find it very difficult to think how we can live under a combination of laws successfully. Apparently you've done it to some extent for some years.

A similar thing: we're not really a united nation; we're not really looking at Canada as a whole. I notice in the west here we're very observant of the fact that we have things in the west that we want to hang onto regardless. That's probably good because of the problems we have at the moment, but it doesn't help the nation as a whole. We can't trade certain goods, it would appear, between different provinces. That to me is absolutely ridiculous. You can trade them across the border to the U.S., but you can't trade them east to west. It just doesn't make sense. You know, we talk about our Quebec problem, but I think it's a problem of all these things as a whole.

I've no objection to language rights being entrenched in the Constitution. What I haven't been able to find out is just what Quebec really wants. If they want to entrench their language rights and a few other things that are important by way of culture, I don't find that objectionable. I would find it objectionable if that leads to special subsidies, to special treatment that other people can't get. I think the Chinese who come here from Hong Kong have just as much right to entrench their culture in their own way as well.

I would like to leave it at that. Thank you for the opportunity to comment. I'm not representing any particular group, though, just my opinions.

MR. CHAIRMAN: Thank you very much, Doctor. You made an interesting suggestion about the politicians' salaries being tied to some external factor. Maybe that would resolve a lot of problems for us as politicians if we didn't have to set our own salaries but indeed were impacted by what happens externally. I just make that as a comment.

DR. JACKSON: I think you're all aware that as soon as you give yourself an increase, everybody says it shouldn't happen.

MR. CHAIRMAN: Oh, we are all aware of that. Yes, indeed.

DR. JACKSON: If it's tied to a factor that . . .

MR. CHAIRMAN: And if you don't give yourself an increase, nobody notices. Anyway.

Gary Severtson.

MR. SEVERTSON: Yes, Mr. Chairman.

Dr. Jackson, you mentioned the Premiers and the Prime Minister, that maybe it should be provincewide or Canada-wide to be elected. I can go along with that, except that under our system how would it work? Well, take Alberta. Say Mr. Decore got the most popular vote with eight members in the House, and the Premier picks the ministers and the Executive Council. How would that ever work?

DR. JACKSON: That's the way the system works at the moment in the U.S. As a matter of fact, when I went down there, Utah had had a Republican government for years and a Democratic governor for 35 years.

MR. SEVERTSON: But the thing is that the President doesn't pick his cabinet from elected officials.

DR. JACKSON: No. I'm agreeing with you; I'm not arguing. I'm just saying what I observed, and I thought that was rather odd. Then they elected a Republican governor for the last two sittings. I think you can get around that. What I'm saying is that I think the party can pick the leader and he can be elected across the province but only if the party is elected or has the majority of seats.

MR. SEVERTSON: Okay. What if he doesn't get elected across the province but his party has got the most seats? That's the problem though.

DR. JACKSON: I haven't really thought that one through. That's a good point. I like the other system because I see what happened. I think Mr. Getty lost out in Edmonton-Whitemud just before I returned to Canada, and it seemed odd that somebody had to step down to let him be re-elected.

MR. SEVERTSON: The same thing happened to Mr. Wells and has happened a number of times in Canada and in Britain. I'm not sure about Australia. Under our system I don't know how we could have a popular vote for the Prime Minister or Premier and then not have the seats in the House.

DR. JACKSON: Well, you know, I prefer it the other way, as they have it in the U.S. But let me think about that, and I'll drop you a note on it.

MR. SEVERTSON: Okay; fine. Thank you.

DR. JACKSON: You're a politician, a member of the . . .

MR. SEVERTSON: Yeah, I'm a member of the select committee. You can do it that way.

DR. JACKSON: Okay. I'll just write your name down. Let me think that through.

MR. CHAIRMAN: Well, thank you very much, Dr. Jackson. I'm sorry we are being pressed a bit for time. I don't want to rush you, however.

Sheldon Chumir.

MR. CHUMIR: I just wanted to ask one question and thank you for your very extensive comments. You complimented, spoke favourably about our medicare system. Presently the federal government sets the basic principles with respect to medicare, provides some funding, and the actual administration is done by each of the provinces. They decide how they're going to do it. Can you give us some guidance with respect to your thoughts as to whether it's sensible, whether you would be supportive of having a continuing federal role to set these minimum standards across the nation, or should the jurisdiction revert to the provinces for them to deal with as they would?

4:00

DR. JACKSON: Let me digress just a little on this. I found it a little strange that after I came back, I noticed that the federal government cut some of the funding to medicare. I was curious. I've never looked through to see just what happened. Did that really represent a tax increase to the average person? In other words, if the government cuts the funding to the province and still expects the same standards, does that simply mean that they're taking the dollars that came to the federal government and using them somewhere else and then expecting the province to pick up the difference? I haven't been able to find that out.

MR. CHAIRMAN: I think the short answer to your question is yes.

MS CALAHASEN: Yeah, then they expect standards.

MR. CHAIRMAN: To the provinces' having to pick up the difference, the answer is yes.

MS BARRETT: Oh, yes.

DR. JACKSON: Having said that, I think the duty of the federal government is to set a minimum standard for health care, and if the funding of that is done by the federal government, they should at least fund it to that minimum standard. If a province happens to be a bit wealthier than another, that just happens to be the fortune of that particular province. I know that Alberta years ago put a lot of money into research into heart disease. That, to me, is still part of the medical service, so we should be entitled to do that if we happen to have the funds available or we want to redirect funds from some other service to it. But I think it's up to the federal government to set the minimum standard. If the province wants to better that standard, that's okay.

MS CALAHASEN: And funding to go with that minimum standard.

DR. JACKSON: That can go with the minimum but nothing less. That applies not just to medical but to a lot of things.

MR. CHAIRMAN: Thank you very much, Doctor.

Robyn Gyorgy. Welcome.

MRS. GYORGY: Thank you. I guess I'd like to start by explaining why I'm here. I saw the ad in the paper, Alberta in a New Canada, based on constitutional reform, and I thought, why are we having these problems? Why the committee? Something that occurred to me was that there's a lack of understanding and awareness among Canadians about what's happening in their own country concerning their differences. These differences I narrowed down to being cultural and geographic. Now, I don't think that they have to be negative. I'd like to turn them around and take these two features, these differences, and turn them into something positive.

So I've designed something called the national unity tax credit. How it would work would be that Canadians would get a benefit from traveling around their country, crossing different provinces. They'd get points or credits and would be able to deduct that from their income tax. I have two forms at the back of the hand-out that I've given you. Form A shows where it could fit in within the income tax. I've just arbitrarily put it on line 318: "national unity travel expense." There'd be an attached form that would go with it.

What I'd like to go over with you now are the instructions and the form, which is on the flip side of form B. There'd be trip dates, provinces visited, and purpose of trip. What would happen is that Canadians would have a maximum of three weeks' travel per year to go on the road and experience the differences of other parts of Canada. Depending on how many provinces they crossed, they would be able to have a higher percentage, as listed on the bottom of the form, the actual fill-out form, and be able to claim more. So the more you visit and the more you learn, the better the benefit the government would give you. There'd be four areas of deduction: accommodation, travel, food, and cultural events. That would encourage people, once they are traveling, to go to a theme park or visit a museum in another part of the country that might have something to do with that particular social group that lives there, say in Quebec or the maritimes.

Now, why use the tax credit? I felt that the easiest way to get people to do something is to offer them a financial benefit, especially in the times we're in now. So I thought the financial hook would be a big way to get people to do this, actually implement it.

What it would mean to Canadians? Well, there are a number of things it could mean to them. I saw it as an awareness and bonding among the people. They'd learn more about what was happening in other parts of the country. They'd feel closer to those people and maybe understand the problems that were happening. It would increase cultural attractions and development within each province. It would be a positive and enjoyable experience for Canadians. I felt it would increase national pride and could even go to reducing cross-border shopping. People would be staying in their own country for their holidays instead of going across the border to shop; it would encourage that.

Now, how to implement it. I didn't see that as a big problem. There are already a number of forms within the income tax guide, so one more wasn't going to hurt. You could either pick up the form from your government office or it could be attached right in the book. I also thought it might be of benefit to set up a tourism hot line; each province could do that. People could phone in and find out what's happening in the province, and at the same time they could expound the virtues of this unity tax credit, saying, "Did you know you get a benefit if you do make an effort to go and travel around your own country?"

I know that this probably won't be popular with Revenue Canada, but I didn't think it would cost them a lot to do, and it's not like they're paying a cash handout anyway. It would be a reduction of the taxes, certainly, coming into Canada, but it wouldn't be actual money leaving the government coffers. I thought that would be one of the positive points. Also, I really felt it would be an effort and a way to unite the country.

MR. CHAIRMAN: Thank you, Robyn. One of the things I'm intrigued by is the fourth paragraph on page 1. Perhaps it might be helpful if you'd explain that paragraph, that "Canada will never be a homogeneous nation." You use a term there which is one we haven't seen often, that "one of Canada's greatest strengths" is its diversity.

MRS. GYORGY: Right.

MR. CHAIRMAN: That's an interesting point. Would you like to expand on that just briefly?

MRS. GYORGY: I've done a lot of traveling. I've gone to some countries where you see the same thing; it doesn't matter what part you go to. Partly because of our geographic size, we have this diversity. There are so many different cultures living here. The maritimes have their own distinct culture; Quebec does; the northern areas as well, the Northwest Territories. Each place is very special, I felt. I didn't want to see it homogeneous as you do find in some countries, say some of the smaller countries obviously, where everybody speaks the same language and all the stop signs are the same and all the rules are the same. I like having a difference, and that's why I put that in there. I don't think it ever will be homogeneous simply because of the geographic diversity.

MR. CHAIRMAN: Thank you.

Pam Barrett wanted to get in.

MS BARRETT: Thank you.

First of all, I would like to congratulate you on coming up with what is probably the most – well, you're not supposed to qualify the word unique. A unique proposition for this committee: I've never seen one that is so ingenious in my life. I'm not being facetious. I'm genuinely complimentary about this.

MRS. GYORGY: Thank you.

MS BARRETT: The first I ever heard about people talking about an exchange like this was – remember those people that we met in Wainwright that had started the exchange between Albertans and Quebec? Boy, it changed their minds. I mean, they weren't bigoted or anything before they started it. They just thought, "What a good idea; let's try it." They were thrilled with the results, and so, by the way, were the Quebec people who traveled here. So I think this is really very special. I believe, by the way, that you shouldn't be shy about approaching the feds either. Chances are very good that the money that is generated by cultural activities and by the travel and so forth in Canada would be more than made up in general revenues as a result of the tax base of those companies growing.

The only comment that I have is this. Having been in small business before, I know doggone well that you look for everything you can to write off. When it comes to "purpose of the trip," you say:

> Business may be used as a trip purpose but if it is, you must spend a minimum of two nights at a particular location to be able to claim for it.

I would like to suggest that you should actually include there that you must have at least one receipt from a local event aside from just eating or staying in a hotel.

MRS. GYORGY: Okay.

MS BARRETT: But I don't throw this idea out. I think that if more Canadians came up with ideas like this, we wouldn't be sitting around this table wondering what to do with the future of our country.

4:10

MRS. GYORGY: Thank you.

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: Well, I can't resist horning in on the compliments, because I thought it was wonderful. I also can't resist bringing into the discussion an experience I've had as a former tax person: business expenses are probably deductible already. It's just business profits. But that's just a quibble. This is a great idea. Go for it.

MRS. GYORGY: Okay. Should I leave it in then, would you say?

MR. CHUMIR: I'd take the business out, quite frankly.

MS BARRETT: Take it out.

MR. CHAIRMAN: You're probably quite right.

In any event, it is an interesting proposal, and if anything could encourage us to take advantage of this strength in diversity, that would be worth while. For somebody who's had the opportunity, thanks to being in government, to travel to every province and territory on several occasions, I couldn't agree with you more that if we knew more about each other, we wouldn't be here under circumstances like this.

MRS. GYORGY: Thank you very much.

MR. CHAIRMAN: It's always nice meeting people like you. Thank you.

The next presenters. I gather that Maureen Lawrence is not here, but in her place Krista Green, Maria Doll, and Walter Muscoby are going to make a presentation.

Walter, did I pronounce your name correctly?

MR. MUSCOBY: You did a great job.

MR. CHAIRMAN: Thank you.

Okay. Would you like to proceed?

MISS GREEN: Good afternoon, members of the panel. My name is Krista Green, and I am finishing up my last year at the University of Calgary, bachelor of arts with a major in political science and a minor in sociology.

Section 91 of the Constitution Act of 1867 states that

> it shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make laws for the Peace, Order, and good Government of Canada.

This statement alone confirms the very structure of our nation's law-building.

> Everyone has the right to life, liberty and security of the person . . .
>
> Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Sections 7 and 15 so stated of the Canadian Charter of Rights and Freedoms detail the responsibility of the lawmakers to protect all persons from intolerance, discrimination, hatred, or killing. What is it that we then ask for? It cannot be denied that these basic rights are already enshrined in our Constitution. It can be denied, however, that they are fulfilled. As Canadians we must realize that we live in a multicultural and multilingual society. We must learn to be tolerant of others' views. No one person is greater or lesser than another. Man, woman, Muslim, Catholic, black, white, born or unborn: we must learn to coexist in peace and harmony. It is the responsibility of the government to ensure this idealism becomes realism. It is not good enough only to state the rights in the Constitution, but their practice must also be enforced at all levels and in all organizations in society.

The purpose of education is to bring out the best in people. The only way to do this is to expose people to the best. In order to eliminate intolerance, people must have the chance to search for and discover the truth on all issues. Through the hierarchical framework, starting with the government and ending with the schools, it must be ensured that young people will have the opportunity to decide for themselves what is best. It is not right for governments to presume how young people will act and then provide the means whereby they will carry out this presumption. Youth must be given the benefit of the doubt. If allowed to discover the issue from all sides, we will choose the truth.

When the government talks of the prospects of the future generation, it becomes difficult to understand how at the same time they support the killing of that generation. Through the use of taxpayers' money the government of Canada supports and funds the killing of innocent humans. Since we consider our system of government to be democratic, a majority of voters must agree to this senseless distribution of funds. A referendum question fulfills this concept. When it comes down to a final decision, I firmly believe that Canadians will not wish to contribute tax money to a surgical procedure that in most cases is completely unnecessary.

It is a viable assumption that the family is the basic unit of society. In Alberta the Premier has for various reasons taken the initiative for denoting a day in February as Family Day. Why, then, in Alberta do abortions still break down this very concept of family? It is sad that our belief in the family does not lead to action to protect that belief. Abortion is not a solution to any problem, and as the Constitution supports life, so should the government. The issue of when life begins has caused a lot of controversy, however. The Supreme Court and government have yet to confirm that at conception the growth of a human begins. We ask that the Constitution and the government protect this life distinctly and ultimately the family.

In conclusion, I ask two things of this panel and the Constitution: first, that it be ensured that all people have the opportunity to act on their beliefs without the fear of reprisal and without the fear of intolerance; second, that protection for all life from the moment of conception until natural death be enshrined within our Constitution and put into practice. It is the future of Canada that we should be concerned with, not the past.

Thank you.

MR. CHAIRMAN: Thank you, Krista.
Next, Maria.

MRS. DOLL: Hello. My name is Maria Doll, and I'm a wife and mother of two beautiful adopted children. I am very grateful for the opportunity of presenting to this committee my heartfelt concerns for Canada's future.

First of all, our Constitution must provide protection for the family, a family being defined properly as two or more individuals who reside together, related by blood, marriage, or adoption. The most important protection is the right to life of all unborn members of the family; after that, the rights of parents to raise their children as they choose without undue government interference except in cases where the children may be in real physical danger. Today in our society the family has been attacked and maligned to the point where it may dissolve. We cannot allow this to happen. Our country will suffer terribly if this disintegration occurs.

One major opponent to the traditional family is the radical feminist movement. They have a specific agenda which they are pushing through at an enormous rate of speed, thanks in large part to $13 million in grants per year of taxpayers' money. One tool that is applauded by them is universal day care, but this undermines a parent's choice of quality child care, and it is a very effective way of getting all women out into the work force. The feminist position on this point is very clearly spelled out in their literature. As a result, our economy will suffer as well as the emotional health of our future Canadians.

To illustrate, the premise states that the more married women who are in the workplace, the less interested they are in having more or any children at all. Our economy may have short-term benefits, but in the long haul the pension plan will be depleted because of the reduced base of future workers contributing. There may not be any financial support for these workers in their old age. To sum up, our population is not being replaced, otherwise known as zero population growth. Consequently, immigration will have to fill the void that has been created.

The other point is that with an already unfair tax structure that favours dual-income families, it is getting increasingly difficult for families to survive on one income. They have made a choice to have one parent be the primary care giver, and that choice should be respected. The parents are in the best position to know what kind of care their children need whether in or outside the home. The government should not interfere with the private matters of families, especially if the children are happy and thriving. I would like all Canadian families to receive a child tax credit based on the number of children at the end of the year, which may be used as the parents determine is beneficial. Further, looking to Sweden as a model, we see that their taxes are so high and the welfare system so complicated that parents who want to stay home are still forced to look to outside employment. We cannot let this scenario occur in Canada. Our deficit is extremely high, with the GST helping to reduce it. Can the government honestly say it is just to raise taxes even more and further disadvantage Canadians trying to make ends meet?

4:20

Moreover, what about the emotional health of our youngsters being raised by people other than their parents? In Sweden studies have shown that 20 percent of children raised in day care suffer from psychological disturbances; 25 percent suffer from anxiety and fear. The reasons cited for these results include, one, the increasing amount of working women; two, divorces; and three, moving from the country to big cities. Over 100 Swedish children commit suicide every year, some as young as four, five, and six years old. We know in our own country of the growing incidence of violent crimes being committed by juveniles, the increased use of alcohol and drugs at younger ages. Often television is their babysitter until the parents arrive home from work. Our children deserve much better than this. They are the future of our country, and we cannot let them down.

To conclude, strong, healthy, loving families make up a strong, prosperous nation. Please give these points very serious consideration. I thank you very much for your time and attention.

MR. CHAIRMAN: Thank you, Maria.
Walter.

MR. MUSCOBY: Thank you, members of the panel. My name is Walter Muscoby, and I'm here representing the Knights of Columbus of Alberta and the Northwest Territories. In view of the time requested by the secretary, I may be skipping little bits of the presentation.

In Alberta 12,000 Knights of Columbus in some 134 councils vigorously promote the ideal of family as the fundamental unit of society best suited for raising our children, our future. We believe that respect for the family is essential for the well-being and respect of human beings and our country. We urge this committee to recognize the traditional family as being best suited to provide for the needs and wants of our children. We submit that the recognition of this family ideal and the protection of life from the moment of conception should be an integral part of the Constitution of Canada.

The role of family has lofty support and recognition. The United Nations Convention on the Rights of the Child, adopted without a vote on November 20, 1989, states in its preamble:

> Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,
>
> Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

Despite the recognition of the family, this language regrettably is only in the preamble of the convention and thus of no binding effect.

Many people will glibly say, "Of course the family is important," but what is the reality of our situation? It is denigrated and denied throughout our society and our institutions. Tax legislation provides benefits to the unmarried with children in preference to married couples with children. The killing of unborn human beings is being presented and justified as a right of women. What about the rights of the unborn or the spouse or father who disagrees with the right of women to terminate an innocent life? In the United States cases indicate that the United States Supreme Court upheld a government regulation barring abortion counseling and referrals to clinics that receive federal family planning funds.

The United Nations Convention on the Rights of the Child, which expects parents to be responsible for their children, denies parents the ability to control what the child reads, with whom they assemble and thus leaves them exposed to exploitation by the state or outside agents such as cults. It is interesting to note that the child's rights are enforced by law, whereas signatories shall use best efforts to ensure recognition of the parents as affecting their responsibilities in the upbringing and development of the child. As an aside, the child is referred to as someone under 18 years of age. It does not refer to the situation before birth. It leaves the question open.

Surrogate women to bear children is a further step toward denying the role of families. In the Thursday, September 12, issue of the *Calgary Herald* there was an article on surrogacy, which starts:

> A woman will give birth to her Calgary brother-in-law's child next spring in one of the first recorded cases in Canada of surrogate motherhood through artificial insemination.

The article goes on to state that the infertile woman "paid more than $1,500 in medical fees for the procedure."

On the same page, under the heading "Geneticist uneasy over identity crisis," Dr. Patricia Baird, who heads the Royal Commission on Reproductive Technologies, is identified as saying that many Canadians believe surrogate arrangements are unethical; the cases that the commission is aware of are in Ontario and British Columbia and involve the surrogate mothers receiving from $10,000 to $20,000. Are we talking only about money? What's next? Surrogate child-bearers for married couples who can bear their children? Why? For cosmetic reasons so the woman can maintain her girlish figure? Economic reasons? Perish the thought. Our society would never allow that. Surrogate child-bearers for homosexuals? Perish the thought. Our society would never allow that. Committee members, I wish we could take some comfort that our society would insist that a family setting is right and proper not only for raising children but for conception.

In the *Calgary Herald* article on surrogacy, in what was obviously a response to a statement by the Royal Commission on Reproductive Technologies that disclosed that many Canadians oppose one woman carrying a baby for another, Dr. Judy Grant is quoted as saying:

> That really concerns me. As much as nobody is going to tell me what I do, I do tend to conform to what society feels.

We submit that Dr. Grant does not represent society, certainly does not represent the Knights of Columbus or how they feel one little bit.

Even more enlightening and saddening is the quote attributed to the registrar of the Alberta College of Physicians and Surgeons, Dr. Larry Ohlhauser, on page B6 of the Friday, September 13, 1991, *Calgary Herald* under the heading "Surrogacy deal no breach of medical regulations."

> If it is within the doctor's competence the doctor is not contravening any regulations of the college. I don't see how we can be involved in making moral decisions for patients.

Could anything be plainer? Money and competence appear to be the main considerations. What about families? What about morals, and what about the rights of the unborn? Is this the brave new world we want our children to inherit? We hope not, yet we must be realistic. You have seen abortion justified only when a woman's physical health is in danger being justified as a right.

We submit that surrogacy is just another example of some people's demand to fulfill all their wants, where children have simply become an article of commerce and the family ceases to have meaning. The evidence is before you. Attached in the back of the booklet are the articles to refer to later.

In summary, we submit that strengthening the role of the family will lead to greater respect and support for one another. We urge you to do your utmost to enshrine a noble and endearing message of family in our Constitution.

The family has many responsibilities and obligations. Give them the rights to fulfill them. It is true, of course, that life in the womb is totally dependent upon the mother. Therefore, we urge you to protect the rights of unborn children by recognition of their special needs. Surely there must be a special responsibility and justice and love to shelter and care for that life. Only by recognition in our Constitution that no one has the right to destroy innocent, defenceless human life from the moment of conception until life's natural end will human rights and justice prevail.

Thank you very much. All of which I respectfully submit.

MR. CHAIRMAN: Thank you very much, Walter, and all of you.

Yes, John.

MR. McINNIS: Thank you for the submission. It's certainly my experience that a lot of families in which both spouses work don't do so by choice; they regard it as an economic necessity. I always thought the problem was essentially what you have to pay for housing and the cost of living these days. Maria and Walter, both of you said it has something to do with the tax system. In fact, I think you made the point, Walter, that in some fashion the tax system favours unmarried parents as opposed to married parents. I wonder if one of you could elaborate on that. I just don't understand how the tax system does that.

MR. MUSCOBY: Well, I'm not that familiar with it, but there's a case before the courts now where that very question is being discussed and litigated on the basis that it's unconstitutional because it favours one relationship as against the other. I haven't read the case, but I've seen the report on it.

4:30

MR. McINNIS: I just think I'm missing something though. I don't understand what feature it is in the tax system that causes the problem.

MR. ROSTAD: It's based on the Charter, It's a Charter challenge. Two people can live together as a family unmarried and get a better tax deduction than somebody who is married.

MR. McINNIS: Oh, is that right.

MR. ROSTAD: Yeah. It's arguable anyway.

MR. McINNIS: I wasn't aware that there was an economic premium not to be married.

MRS. DOLL: It has to do with being treated as individuals in the household. The couple living together are treated as individuals, whereas the family is treated as one income.

MR. McINNIS: The incomes are pooled, so they don't get the personal exemption.

MRS. DOLL: Yes.

MR. CHAIRMAN: It's being litigated right now, so we'll have to wait and see the outcome.

Well, thank you very much for your presentation and Walter speaking on behalf of the Knights of Columbus, who are doing excellent work throughout the province. I saw them at work on Sunday in Medicine Hat, and they did a noble job of assisting the Carmelite sisters celebrate their 100th anniversary of existence. I appreciate you coming forward and giving us their views. Thank you.

MR. MUSCOBY: Thank you very much.

MR. CHAIRMAN: Brian Chisan.

MR. CHISAN: Good afternoon.

MR. CHAIRMAN: Good afternoon. Welcome.

MR. CHISAN: Let me first say I was down here last night for a while and it seemed to me there are too many people coming before you and preaching, so I'm going to try to restrict myself. I think probably with all the submissions you've had and all the preaching you've had, I should leave more time for dialogue. If there isn't dialogue, then you can get on with sitting back and enduring more preaching.

As a preamble, I would like to say just a few things. I had some reservations about being here, but in the end I decided that I should at least come and say a few things and ask a few questions. Otherwise, our legislators can always say, "Well, we didn't understand" or "We didn't know."

When you speak of constitutional things, constitutional change, I think there is at least the perception out in the public that we are looking at a situation where some change would better ensure rights for the citizen and the counterpart that there might be some restraint on government. When we look at the current situation, so much of our life-style depends upon the economy, and I would sort of broadly break it down into four aspects: agriculture, forestry, oil and gas, and small business. As all eight of you fully realize, the first three – agriculture, forestry, and oil and gas – are in a pretty bad slump. Small business is the one redeeming base there that may give us some life. So whatever kind of constitutional change may be forthcoming, and certainly the Constitution is the ideal, I would urge that there has to be considerable caution in engaging in constitutional change that is going to be expensive, because with our deficits and the economy, prospects are not great for any great change there. There's only so much the taxpayers can endure, and you've heard plenty about taxes already.

In the course of my comments or dialogue with you, I will be making some comments about Legislatures and bureaucrats and the judiciary. I would just like to say that when I make comments in that regard, I'm not referring to all. I'm referring to what I would say is a sizable proportion, but not all.

One further comment with regard to democracy. I should really make a comment that we have this wonderful word floating around, but it's pretty well common knowledge . . . Everybody knows that we have a democracy as far as – let's call it ballot-box democracy, where we elect people but the democracy comes to a quick, maybe abrupt, end at that point in time, because unless we have elected a cabinet minister, our representatives really have very little input into the first function of our MLA, the legislative function. I think you all know that also.

Before I really pounce the idea upon you and insist that you should be looking at it, if our constitutional change is really going to mean some ensuring of rights or restraining of government, we should look at what has occurred in the past 10 years before we change more. Our current Constitution has some amendments and entrenched rights that existed before but became part of our Constitution 10 years ago. We should have a look and see what has happened in the past 10 years, and I think maybe it should be placed as a question. Certainly you legislators here know what you've done or haven't done. There can't be any question in your minds, if you look at the legislation, that provincial statutes are subject to our current Constitution. Our Constitution supposedly is supreme – section 52. We know also that our current Constitution provides for remedies where there have been breaches of the Constitution. We know also, especially in the criminal division, that we have a Constitution that demands, requires, guarantees independent tribunals.

Well, what has been the performance? If we're going to talk about more change, what we're talking about is more rights or more restraint or something of that nature. Has there been any willingness in the past 10 years for government to abide by our current Constitution? You know what you have passed. I don't know all the legislation; I can think of a couple of examples. I ask that question more for some dialogue. I would only suggest that section 52, notwithstanding that it seems clear it's a supreme law – we do know that at every opportunity, when this comes up in a judicial proceeding at least, the Attorney General has an agent that argues against that very principle. We do know that under section 24, where you go to seek a remedy, again the Attorney General has some agent that argues against a remedy. The Attorney General has argued that unless the authority in breach of the Constitution has acted willfully or flagrantly or abusively, they should apply the good faith rule. The good faith rule is that there's no consequence when the authority can show that they didn't understand the law, they weren't willful, they weren't flagrant. This is what occurs. The Attorney General is here today, and he knows very well that's the case. We know also that notwithstanding 10 years of passage we still don't have an independent tribunal. You know, there are some judges who blatantly admit that they're the hen and the Attorney General is the fox.

So if you're really sincere about constitutional change, I wonder why we haven't seen more of it in the past while. There have been some changes in the Legislature. For example, there was a change to the Summary Convictions Act, to the provincial offences Act. There were some changes after a Supreme Court of Canada decision that these absolute liability offences are contrary to the Constitution. But did it go far enough? We know for sure, as Mr. Sheldon Chumir indicated, that there are serious problems with the ex parte proceedings. Due process has now acquired a new meaning. Due process can be ex parte proceedings. Although Mr. Chumir says it has the compensatory value of providing employment for lawyers, I don't think that's any excuse not to do something about it.

4:40

We know that rights are fiction unless there's some enforcement mechanism. Really it's a piece of propaganda, isn't it? What enforcement mechanism do we have? If you're rich, there is a possibility, depending on the amount and degree of control by the Attorney General. That can't be denied. Surely if there's a dispute between two people and one person says, "Well, we've agreed that we're going to resolve this dispute in a civilized manner before some judge," and the other person says, "Well, I'll pick the judge, I'll train him, I'll pay him, I'll pension him, I'll provide the perks, and I'll even provide the guidelines," is that dispute going to be decided by an impartial and independent tribunal? You can't fool the people all the time. I'm raising it, and I'm saying that there should be somebody here who can come forward and say, "Golly, we've shown a lot of restraint in these areas, and we have understood the Constitution."

I can speak from personal experience. I go before the judiciary seeking a 24(1) application, a remedy for breach with no question of the breach, and the Attorney General says, "Oh, he doesn't understand the Constitution; black and white; can't comprehend it." Well, rather than looking at more constitutional change, I think you'd better come up with some idea of what the current one means.

There have been other changes in our legislation, but it doesn't reflect the Constitution. You have reviewed some of the legislation. A recent one that comes to mind is that in 1990 you reviewed and updated the Weed Control Act. The Weed Control Act will apply to every private property in the province. It has a mandatory provision that no one can have a growing noxious weed, with a $5,000 penalty or up to six months in jail. Well, that's a great absolute liability offence contrary to the Charter of Rights, and it still comes in in 1990. Everybody that is here was party to that amendment, but still it's on the books.

MS BARRETT: May I interrupt, please?

MR. CHISAN: Yes.

MS BARRETT: I'd like to ask: in what regard is the amendment contrary to the Constitution?

MR. CHISAN: In what regard?

MS BARRETT: Yeah.

MR. CHISAN: In the same regard as the first case that went to the Supreme Court of Canada: section 94, the Motor Vehicle Act in British Columbia. It is contrary to the fundamental principles of justice to incarcerate a person for an absolute liability offence of that nature.

The law says, for example, that the owner or occupant of the land shall control all noxious weeds. The penalty section says that if someone contravenes this Act, there's a $5,000 penalty or six months in jail.

MS BARRETT: They may be liable to.

MR. CHISAN: It says "is guilty." It's not "may." The first part is mandatory, and the second part is clear too. There's absolutely no defence.

This isn't new either, and it has nothing to do with the Constitution. Lougheed was concerned about this: legislation comes in, and it's really a piece of enabling legislation where the regulations are the real law and are drafted after the fact. You pass the legislation not knowing what the implications are at all. You know, that has nothing to do with the Constitution. Lougheed was concerned about that 15 years ago, and the same thing keeps repeating itself. I don't know how you can justify that and then come here and pretend to be concerned about constitutional change.

I don't think government is going to change that quickly, so I'm here to tell you that if you're really serious, we're going to have to come up with some mechanism to enforce the right. If we don't have the mechanism, it's just propaganda. We don't have any mechanism right now; there's no question about it. The judiciary is as tied to the government as their executive or administrative branches, and some judges admit that. I just picked up a transcript yesterday, and it's very clear that the prosecutors select the judge. It just keeps steamrolling along. It does raise revenue. Just incidentally, since I say that, we know that here in Calgary when the police wanted 34 new officers, the question was: how are we going to pay for it? We're going to abuse the law, issue more tickets, and raise more revenue to pay for our new officers. That's common knowledge; everybody knows. Is the object of our laws to raise revenues? It's almost indirect taxation. It seems to me that should belong to the federal government.

What I'm saying is that we have to have a mechanism for enforcing rights, and the most efficient way to come up with that mechanism – and it would probably cost us no more – would be to have an elected judiciary. If we can have an elected Senate, as remote as the Senate is and having little bearing, it's all the more important to have an elected judiciary, because there's no other single individual in this country that has so much authority over the life of the individual, so much control over the life of the individual, all of which is almost with absolute immunity for the judges themselves. Yet we say, "Well, we'll appoint them, and we'll hope they're all good apples," but we can look at every other profession, the police and the priests and so on, and we can see numerous bad apples in there. For some reason or other the judiciary is above and beyond. I don't know what explains that or how that can be.

MR. CHAIRMAN: Well, Brian, you've made, I think, your first point, if you will, relative to constitutionalizing an issue for us to consider. That's an interesting one because it does question the fundamentals of democracy; that is to say, that elected peoples will make laws, not appointed people. So you're coming around to the perspective that judges who have that authority should be accountable rather than be appointed for life. That's your principle.

Now, in view of the time and we have two more . . .

MR. CHISAN: Not only for life, but they're accountable to nothing, you know, as long as there's good behaviour. The section that would have to be addressed, of course, is section 96. Notwithstanding section 96, isn't it in 92(14) that the Attorney General is responsible for the administration of justice? We don't even need constitutional change for that, but we do need an independent judiciary.

4:50

MR. CHAIRMAN: Okay. Well, we're being a little pressed for time, Brian, in terms of your presentation. We have two more presenters who are waiting their turn, so if you have other particular constitutional issues you wish to make . . .

MR. CHISAN: No. I think that we have to be careful. There are probably all kinds that could be made, but everybody has a limited pocketbook.

MR. CHAIRMAN: Thank you very much.

MR. CHISAN: Okay.

MR. CHAIRMAN: Peter Bowal.

MR. BOWAL: I don't know if it's significant that everybody's leaving as I approach.

MR. CHAIRMAN: Well, no. I think, Peter, you'll find that our attendance varies considerably during the course of the day. As we wind down the proceedings, if you're referring to our members at the table, nature calls occasionally.

MR. BOWAL: Mr. Chairman, all parties of the committee, ladies and gentlemen, the last speaker spoke about speakers this afternoon preaching to you. Well, I don't want to disappoint him or you. I would like to be pleasant and kind, but most of all I'll just try to be honest and say what I really believe.

It is a genuine pleasure to attend before the committee this afternoon to address the most compelling issue facing this country today: the Constitution of Canada. It is a tribute to our present system that any individual such as myself who has no direct experience in public policy-making can merely call a toll-free number and ask to be placed on a list of presenters without one's comments even being vetted. Then to have the benefit of such an influential audience for 15 minutes: I think that is what Andy Warhol was talking about.

I'm further impressed and would encourage each of you to be impressed as well at my sense of timing. You will be forgiven for thinking that my appearance here this afternoon is coincidental to the release of the federal government's proposals. I appreciate that it will be difficult for many of you to believe it, but when I was asked to choose from a number of dates on which to present, I did indeed have inside information.

Permit me, members, to preface my remarks this afternoon by saying that I have not, as I presume maybe some of you have, had the benefit of time to review this morning's package of 28 proposals in their technical and comprehensive form. My inside information just didn't go that far. This review and a considered reflection, an analysis, is essential and is something that we're all too deplorably lacking, I believe, in this country today. I'll say a little bit more about that later.

Not wishing to advance further the cause of uninformed discussion, I will accordingly restrict myself, then, to the prominent thrusts of the package that were consistently reported this morning in the broadcast media nationally, the address of the Prime Minister in the House of Commons, and recent constitutional history. Once I've taken the opportunity to conduct a more thorough and detailed review, I'd be willing to share it with this committee or with the government at their pleasure.

I would just like to put my presentation this afternoon into a few rather random, ad hoc constructs that define constitutional change in Canada and in Alberta today. The first one – and this one may offend certain members – is that I'm really not certain that governments yet are truly listening today. If they are listening, they may not be hearing. If the views of Albertans are being freely offered in a forum such as this, which, again, I as a participant am grateful for, they may still be freely ignored. We heard a lot this morning about constitutional change needing to serve the people and not the governments in Canada. I am, nevertheless, reminded and struck by the fact, grateful again though I am to be allowed to make this presentation, that if this provincial government had its way, we would not have been consulted at all. Without a specific mandate to do so, this government committed Alberta's future to the Meech Lake accord and steadfastly refused to consider and incorporate the views of Albertans at that time and the views of Albertans in their future. This would not be acceptable in the case of ordinary legislation and is unthinkable and egregious in the case of constitutional change, particularly, I submit, change that would have rendered future amendments practically impossible. Albertans had to go outside of their own province to other provincial governments and other bodies to express their opinions and to seek input.

Personally I am a good Conservative, but I believe that this government was embarrassed and quite honestly shamed into conducting these hearings. The government members here and in caucus, therefore, must convince Albertans today that they now substantively do desire to represent and defend the expressed opinions of the people of Alberta, who elected them.

Now, how is it that the government of Alberta, for example, would pass, with all the attendant public claims to noble motive, senatorial direct election legislation but does not follow through on that initiative? At the federal level – and we have to be fair here – they certainly have their problems as well. We're told now that the federal government favours an elected Senate. Who can forget the Prime Minister's disgusting performance in refusing to appoint Alberta's elected Senator for some nine months, and only when the Prime Minister thought he was secure in the passage of the Meech Lake accord, only then a few months later to deeply offend Canadians by stacking the Senate with appointments virtually overnight? Now he asks us to look to him for public trust and leadership in Senate reform.

My first point, therefore, is that governments are discredited in Constitution amending, and I'm sure you've heard that far more from other people than even before me today. Time can only be limited in its healing effect. I think governments and politicians today have good reason to be humble, and they should think certainly past their mandate in terms of the long term.

My second point is related to my first. Thinking people in this province, I think, today are insulted by government members, under pain of caucus solidarity and discipline, traveling around the province telling Albertans what to think, this, of course, being an exception to or maybe an inversion of that. If Albertans have another point of view or another rationale, they are routinely marginalized. If all else fails, resort is made to the lowest emotional common denominator; namely, that the country will break up if you don't fall into line, that the sky will fall in and the world will come to an end if we don't agree with our elected representative. Emotional and economic blackmail only serve to cloud the process and the issues.

Albertans, though we may be weary of the subject, are, I believe, ready for some content and objective, concrete analysis beyond the "I love Canada" level that still dominates public debate and policy-making and which I saw in the House of Commons this morning. I would submit that there is little applause left in Canada, again other than what we saw in the back benches this morning, which reminded me how little has changed in the last few years, for boundless generalities and exhortations of goodness, justice, hope, fairness, greatness, tolerance, and prosperity. We all agree on that; there's no question about that anymore. We are now waiting and are ready for substance.

I think you should trust us. We are now up to the task of understanding what, for example, self-government might mean or what property rights might mean and the effect of entrenching those in the Constitution. If we don't understand, if we don't know, please help us to understand, but don't merely chide us and tell us that those things are good and that they are necessary. If we don't agree with you on those points, then it does not automatically mean that we're traitors or that we fail to comprehend them or that we are not good, just, tolerant, and so on.

My third main point, then, is that this round of constitutional amendment, whatever form it takes and whatever result it yields, must be durable. Unfortunately, we're led to believe that we don't have the luxury to fashion the best Constitution in an environment and atmosphere devoid of tensions, deadlines, passions, and ultimata. To be free of these forces would be the best context in which to work. Again, perhaps governments must take responsibility for that.

Having these attendant pressures, however, does not mean, necessarily, that a product has to be flawed. We can still do our best in the context. It just means that the likelihood of flaws is greater. We have enough support for that proposition in the last few years in Canada. I am very concerned that we will cave in and pressures will dictate the form, substance, and timing of these amendments. I think that if we're setting the building blocks upon which this country will exist in the future, all the time having a gun to our heads, we will not be serving the country well in the long term. You cannot build a country in jerky starts and stops. While even I may be willing to concede that it is maybe too late in the game and we are too deep in the public perception now to fully reassess the foundation and objectives for this reform, I don't think we're powerless to produce a result and a product that will best serve Canada as a whole in the very long term, for the very long haul. The reforms in the structure of Canada that emerge in this present process must endure well past the lifetimes of our current legislators.

5:00

Please allow me the time to provide some examples of this concern in this respect. The province of Quebec and the aboriginal peoples, maybe very differently, but they have requested certain changes to their respective positions in Canada and have, again very differently, backed up those requests with some not so subtle recourses.

Quebec wants distinct society, training, education, development of its work force, immigration, and culture, among others. My question is: has anyone really considered the predictable future effects on the country as a whole of such changes, or is it politically incorrect or politically insensitive to ask that question at all at this time? If we don't ask it now and deal with it now, however unpalatable, we will only be left to deal with those effects and those consequences later, and our choices then likely will be severely constrained at that time.

On the matter of native self-government, for example – and this comes directly out of today's proposals – how could any long-term view commit itself to entrenching that right and imposing a deadline on the country without any definition of the scope of that constitutional right, much less any political or public consensus on its meaning or thoughtful, reasoned debate on its social utility or necessity? The only conclusion that I can draw with respect to the self-government clause is that the constitutional entrenchment of it, as a plan or as a concept with a deadline for it to be worked out, is only there for immediate political appeasement. Therefore, the long- term risks and costs of this appear to be ignored. The provincial and federal legislatures would find it, I suggest, wholly untenable to bind themselves at a given point in the future to ensuring and developing a plan in any domain, especially a plan that is not well thought out and defined. Why would they even consider doing this at a constitutional level?

Another illustration of incoherent constitutional reform is the failure in today's proposals to address – this is just a further example – the issue of official multiculturalism and minority languages. In fact, I understand that they were enshrined in the so-called Canada clause, but where did this constitutional multiculturalism proposal come from? Was the voice of those in Canada who request reconsideration of official multiculturalism, of that policy, not as strong or as shrill as the voices of the province of Quebec and of the native leadership, or is it that that debate will just be postponed indefinitely? I'm interested, for example, in knowing the rationale for considering and including some matters in these 28 proposals and excluding others. If it is the squeaky wheel that gets the grease, we must see these constitutional changes, therefore, as essentially ad hoc, sort of flavours of the month. I would encourage this committee, therefore, to have a strong, longer term vision and to ensure that the Constitution of Canada is as durable as possible.

Finally, may I close by outlining some sacred cows – of course, everything I'm saying today is just to provoke thought – that I think reflect four dominant ideologies that were present throughout the debate leading to this morning's package. The first one seems to be an implicit assumption in these proposals that were tabled today that more government is the answer to unity. This is reflected in changes to the Senate and the creation of the council of the provinces. Secondly, there is an assumption that the people in this country need more rights, that there is no consideration for corresponding responsibilities. I also understand that that comment has been made before this committee before as well. Thirdly, there is an assumption that some specific Canadian constituencies – and again I've used two, Quebec and native people, but there are others – will be totally satisfied, appeased, will be put to rest, and the problems of which they complain today will be resolved with these amendments. I fear that we may be lulled into an understanding or an acquiescence that this is once and for all an end to those problems. I'd encourage you again to think broadly, to ask politically insensitive questions, politically sensitive questions. This is far too important for short-term political appeasement.

The fourth assumption that I think is implicit in policy-making and Constitution-amending today is that constitutional reform should be the subject of the partisan political process, sort of like everything else that's done in the Legislature. There would be victors; there'd be people that would be scoring more points on one side of that floor or another. I would submit that just like truth, the Constitution is not up for grabs. It's not up for one party to claim victory to get a leg up on the other. I don't know what the government of Alberta's plans are with respect to party discipline and the processing and the making of any decision and position with respect to today's proposals or the outcome of these hearings, but I would just emphasize that this exercise is far too important to be left to the partisan political process.

Those are my comments. I have tried to be as constructive as I have been frank, Mr. Chairman.

MR. CHAIRMAN: Thank you, Peter. You've been nothing if not provocative in some of your comments, but I'd just like to go back to something we've heard today. We heard one presenter tell us that under no circumstances should Alberta agree to Quebec being described as a distinct society. On the other hand, we heard another presenter tell us that Quebec should not only be recognized as a distinct society, but that that distinct society should devolve upon Quebec a special status. Now, each of the presenters was entirely sincere in their belief.

I could go on to give you other descriptions of what people have told us over the last period of time with which we've become involved. The point that you make that we may be listening but we're not hearing – I can tell you that it is not the easiest thing in the world to do. I just don't want to be too quarrelsome here, but you also said why can we not define self-government – I presume you meant for aboriginal peoples – and why can we not define property rights? A spokesman today on behalf of the Assembly of First Nations told us that they oppose the introduction of property rights into the Charter. You tied the two things in together, and it makes it difficult for us, I think, to respond, knowing that we are getting a wide divergence of opinion.

What we must probably do is seek out the broad middle ground and find it somehow in our procedures. In a relatively, hopefully, nonpartisan way we've conducted these proceedings. We're not finished yet, and we are trying to get the public opinion of Albertans. It is useful for people to have come forward and said to us on the issues, "Yes, I think Quebec should be a distinct society," or, "No, it should not be," so that somehow or other we are able to judge what is the common will. It's not an easy task or responsibility we're engaged in here, and I can assure you that whatever results will come about, somebody will be displeased and somebody may be very pleased and perhaps a lot of people will just be indifferent. But we will do our best, I can assure you, to give it the most fair and nonpartisan hearing we can.

Pam Barrett.

5:10

MS BARRETT: Thank you. Ordinarily I have a question, but today I don't. It's merely to thank you. A lot of people come here with a shopping list, some of them holding very adamant positions. Relatively few in this round of hearings have come to talk about the long term and the process. You're our second-last presenter today, and I'm glad you did that, because it's sobering after two days of solid hearings. Thank you.

MR. BOWAL: It's not really that sexy a subject either, long term.

MS BARRETT: No, it isn't, and it takes guts to come here, instead of having a shopping list, to talk about the deeper issues. That's why I'm so appreciative.

MR. BOWAL: Thank you very much for that. Maybe because I didn't says something, that maybe we need less of that fragmentation of opinion and more pulling together.

MR. CHAIRMAN: Well, the process is an interesting one. As a matter of historical record, in 1981 the Constitution was patriated to Canada without any real public consultation, and a process was arrived at with first ministers gathering together, sometimes privately and sometimes before the television camera. The results were not perfect for Canada, obviously, because Quebec did not endorse that particular accord. Nonetheless, it is today the Constitution of Canada. The same procedure was followed in arriving at the Meech Lake process. The procedure outlined in the Constitution of 1981-82 for arriving at a constitutional change was in fact followed. It has certainly been shown to be unpopular, and that is quite true. Three years after its passage through our Legislature the Meech Lake accord collapsed. We are now trying to find a new process, and I believe that all governments are sincere in their efforts to find the process which will accommodate the public interest to be part of it. To that end we've heard a great number of suggestions, and we're going to follow them through.

Thank you very much.

MR. BOWAL: Thank you very much.

MR. CHAIRMAN: When you have analyzed the federal paper more thoroughly, we'd be happy to receive your written comments.

MR. ROSTAD: Although we get this on *Hansard*, are you going to give us your paper at all?

MR. BOWAL: I have a few copies.

MR. CHAIRMAN: Wendell Koning.

MR. KONING: I have some copies.

MR. CHAIRMAN: Welcome, Wendell. You're the last presenter in Calgary at our public hearing process, in total six days in Calgary since we began back in May. So the honour goes to you to wrap it all up and solve all the problems.

MR. KONING: Right, yes. And dinner is waiting, so be brief.

I made a brief presentation to this committee on June 1, 1991, during the time allotted to unscheduled speakers. During the June presentation I called for reduced interprovincial trade and labour/management barriers. I also recommended that Alberta and other Legislative Assemblies across Canada ought to apologize to Quebec for the breakdown of the Meech accord. Whatever one's opinion of the contents of the Meech accord and the manner in which it was spawned, it was clear that the collapse of the accord was taken as a personal rejection by many in Quebec. In hindsight my recommendation for legislative apologies was probably highly unrealistic, if not naive. There would never have been enough agreement in provincial Legislatures for such a move, and any debate would probably have been further divisive in character, so today I withdraw that June recommendation.

However, I do feel that not enough attention is paid in this unity debate to plain human emotions, the emotions that motivate the average citizen of Quebec. When all is said and done, it will be up to the people of Quebec to decide whether to stay or leave the Canadian federation via the scheduled 1992 referendum. So let us try to overcome the critical Quebec media, bypass the Parti Québécois, and appeal directly to the people, the average citizens of Quebec. This committee should recommend steps that would increase communication between the people of Quebec and Alberta. Encouraging communication will convey a sense of goodwill and a commitment to better understanding between the two provinces.

I recommend the following to foster increased communication and as a gesture of noble intentions. The first one: encourage travel to Quebec by having the Alberta government pay the GST costs. To encourage travel by Albertans to Quebec, let the Alberta government absorb the GST costs of transportation. This would apply only to Albertans traveling for the first time to Quebec. It is an expensive flight to Quebec City. The current excursion rates from Calgary to Quebec City are in fact only $140 less than from Calgary to London, England. With this small price differential London is a very attractive overseas holiday destination as compared to visiting eastern Canada, including Quebec. As a second example, the airfare from Calgary to Los Angeles is actually $180 less than from Calgary to Quebec City. From a business point of view, there are probably good reasons for the price differentials, but from the point of view of enhancing national communication and national identity, the price differences are absurd.

Let us consider the costs of such a program. For excursion airfare rates of approximately $400 per person for a round-trip, Alberta-Quebec, the GST would amount to $28 per person. For those Albertans taking alternative forms of transportation such as a bus, the transportation cost would average $300 or less with a GST of about $20 per person. If 5,000 Albertans, which is quite a few, took advantage of the program, the transportation GST cost would run to approximately $100,000 to $150,000. This is not a large amount considering how much is already being spent on the unity debate in Alberta.

If such a proposal resulted in the maritime provinces feeling neglected, the Alberta government could extend the program in subsequent years to include the maritimes. Again, travel prices are prohibitive. At current excursion prices it only costs an extra $2 to fly from Calgary to London rather than to St. John's, Newfoundland, and it's cheaper to fly from Calgary to Honolulu than to St. John's. Covering the transportation costs would not be a huge government subsidy, but it would be a fine symbolic gesture. I think more positive gestures in this regard would be of benefit.

Two, high school exchanges. You've probably heard this before: further promote high school exchanges between Alberta and Quebec. As a former teacher I have seen students come back from a Quebec exchange highly enthusiastic about Canada and its diversity, and their opinions rub off on their parents and friends. Exchange students hold a vibrant national identity.

The 1991-92 high school social studies program. The article in the London-based periodical, *The Economist*, of June 29, '91, entitled Nice Country, Nice Mess, is highly recommended for your reading and for all high school social studies classes this year. The article presents an unobstructed outsider's view of Canada, its history, and its current problems with respect to the unity debate. Your committee should recommend this article to Alberta Education. I have an extra copy as well.

The final point, then, is to establish a public advisory committee. Appoint a public advisory committee to further recommend to the Alberta government ways of fostering increased communication between the average citizen of Quebec and Alberta. For other issues, Alberta has seen fit to strike these committees; for example, the women's advisory committee and the former public advisory committees of the Environment Council of Alberta. Despite some criticisms of their operations, these committees have made positive contributions to provincial issues and could do the same in the current unity debate.

In conclusion, then, enhancing national communication will help reduce regional misunderstandings and will eclipse the one-sided eloquence of the Jacques Parizeaus of this country. I encourage you to make a positive impact in this area.

Thank you.

MR. CHAIRMAN: Thank you, Wendell, for a positive note on which to conclude our hearings here in Calgary. It is interesting that earlier today we had a proposal from a presenter who suggested a national unity tax credit program to encourage that type of dialogue. This is another suggestion which follows along the same theme, which is to get a better understanding between the people of Quebec and Alberta. I appreciate the sentiment behind your suggestion.

Other questions or comments?

5:20

Well, thank you very much for coming before us for the second time with something of a significant nature and for the sentiment you have behind it. Just jokingly, I'd have to wonder if perhaps sometimes we shouldn't encourage the same type of travel to Toronto, where the language is the same but the sentiments are sometimes divergent in terms of what the future of this country should be. We certainly do appreciate your thoughtfulness and thank you for permitting us to conclude on that positive note here in Calgary.

For the record, although the staff members of McDougall Centre are not present, on behalf of the select committee of the Legislature I'd like to thank the staff in this facility. While perhaps not widely known in the past as the centre of government in Calgary, in southern Alberta, and located in my colleague Sheldon Chumir's constituency of Calgary-Buffalo, where he attended school in this very building years ago, I think we can say that it's been a very effective and opportune use of the facility for the people of southern Alberta. I just wanted that to be part of the official record before we adjourn, which we now do.

Thank you.

[The committee adjourned at 5:21 p.m.]

3:21 p.m. **Wednesday, September 25, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to call the session to order and thank the people of Hanna and district, this southeastern Alberta region, for coming forward to give us their views on the Constitution of Canada.

This select committee has been traveling across the province. We started back in May. In some of the centres there were a number of additional presenters who wanted to be heard, and requests were received from Hanna, Wainwright, Peace River, and Rocky Mountain House to move the panel discussions to those communities, which we did. Therefore, we're here in Hanna.

I'd like to introduce myself. Perhaps most of you know me. My name is Jim Horsman, and I'm the MLA for Medicine Hat. I'm the chairman of the select committee. There are 16 members on our select committee, and we divided ourselves into two panels so we could hear twice as many presentations. This is the last week of public hearings. We held one during the week of September 9 and then again this week. We'll conclude in Edmonton on Friday of this week. We've been hearing some very interesting and thought-provoking proposals and recommendations for us to consider as we formulate an Alberta position relative to the Constitution.

I'd like to call on my colleagues now to just briefly introduce themselves. I'll start on my left.

MR. CHUMIR: Sheldon Chumir, MLA for Calgary-Buffalo.

MS BARRETT: Pam Barrett from Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose.

MR. McINNIS: John McInnis, Edmonton-Jasper Place.

MR. SEVERTSON: Gary Severtson, Innisfail.

MR. CHAIRMAN: Our other colleague, Stockwell Day, is attending a funeral in Red Deer, but he will be coming in later during the course of the afternoon, we expect.

I'd like to invite our colleague and Member of the Legislative Assembly for Chinook to welcome us to her constituency and to make a few brief remarks.

MRS. McCLELLAN: May I approach the bench?

MR. CHAIRMAN: This is not a courtroom. Informality has been the order of the day. We've never bitten anybody that's come to see us, although a few of them have looked as if they wanted to bite us.

MRS. McCLELLAN: Well, I hope I'm not the exception to that rule that you've had.

It's certainly my pleasure to welcome the members of the committee to Chinook constituency and to the town of Hanna. For some of you it isn't the first visit. I'm pleased that we found a nice fall day for you to come. Also, a welcome to the presenters who are from neighbouring communities, and there will be some here. We're really pleased that the committee was able to schedule the time to come out and hear the viewpoints from the citizens of this area. Our communities find this a very important topic and appreciate the opportunity to meet with you today. However, it is harvest time, and I guess if we'd had a rainy day, we might have had more people able to come.

We are a rural community. Just to give you a little bit of background, this area in the Chinook constituency encompasses something like 8,493 miles, so when they call it the Big Country, they really aren't fooling. We do have a sparse population, and people do travel great distances, a number of whom have today to come before you.

Because of the immense distance and size of the constituency and the neighbouring area and because we knew it was possibly going to be harvest time when you did come, we sent out a questionnaire to every household in my constituency in August. I would like to take the opportunity today to present to you and share with the members of the committee the responses from that questionnaire. We had 319 people respond, and I think when you consider the busy time of the year and the nature of this constituency, it shows a great deal of interest in this topic that you are traveling around the province to hear viewpoints on. So with that, Mr. Chairman, if I could leave you the copies of the questionnaire, all of the questions are dealing with the Constitution, and I hope that it will assist your committee in some way in your deliberations. On behalf of my constituents I thank you for taking this.

MR. CHAIRMAN: Thank you very much, Shirley, for your welcome. We're very pleased to be here in your constituency of Chinook. I assume that you'll be sitting listening to the comments of your constituents today.

MRS. McCLELLAN: I will be here.

MR. CHAIRMAN: All right. Thank you.

I'd like to call now on Paul Schorak, if he'd come forward and join us at the table.

MR. SCHORAK: Thank you, Mr. Chairman.

MR. CHAIRMAN: Good afternoon.

MR. SCHORAK: Good afternoon, ladies and gentlemen. I'm Paul Schorak from Forestburg, Alberta, and I'm doing this presentation as a private citizen. If time permits, I can give some background after I've concluded about how I arrived at the presentation. I'll start with the presentation and the prognosis.

Unity in Canada has, in the opinion of the presenter, reached a crisis level during the last decade. The feeling that all regions of Canada belong to a strong and vibrant nation has disintegrated to its lowest level since Confederation, and the big question is: why? Paradoxically, Canada is still viewed in the world as being exactly a strong and vibrant nation wherein potential immigrants very keenly desire to resettle. Within Canada many citizens feel anger, frustration, and indifference towards national issues. This results in a very low level of self-esteem regarding Canadian citizenship. While these very undesirable feelings may be caused by various factors, the two main reasons seem obvious, and those reasons are (a) the attitudes of many Canadian citizens and (b) the attitudes of our leaders of government and business.

First of all, the attitudes of Canadian citizens. This is simply listening to what is being said and taking note of it. There seems to be an attitude of "I deserve more." Secondly, there's an attitude of "I'm paying too high a tax at all levels." Thirdly, "Other regions or provinces are getting more than their fair share." "I've lost faith in our government." Fifth, "There are too many freeloaders milking our system." Sixth, "I'll look after number one, because if I don't, who will?" Now, with that kind of thinking, we certainly won't have enthusiastic, positive actions.

Some typical attitudes of business leaders and government – and I'll take the risk and say it in front of you people – are, "I have been chosen or elected by the people so I deserve top remuneration and benefits." Secondly, "I make decisions that will ensure re-election." Third, "Don't do anything that may be right but is very unpopular." Fourth, "The national debt is so large, who will notice another hundred billion?" Fifth, "When issues are very contentious, holding more public hearings, conducting more inquiries is a good way to show the people how wrong they are and how right we are." Sixth, "As business leaders we must be keen towards government grants, loan guarantees, and tax concessions so that we are able to cash in; if all else fails, use the creating-new-employment angle."

Such attitudes are the underlying influences towards creating public mistrust, anger, and frustration towards our present leaders. While the attitudes described in (a) and (b) are underlying influences towards disunity, what comes to the surface is (a) I am unhappy as a Canadian citizen. That is perplexing. Why can't we be as proud and patriotic about our Canada as the Americans are about the U.S.A.? After all, we are just as great a country if not better.

Then the other thing that seems to come to the surface: "There is no way Quebec should be treated as a distinct society." This disturbs me. I just have to say: "What is wrong with us? Don't we understand our own history? Don't we understand that there are differences between Francophone and Anglophone societies?" Our Fathers of Confederation recognized the distinctness at the time of Confederation and based Confederation upon the uniqueness of the two founding races, and the word is "races." I for one readily accept that the people of Quebec are indeed a distinct society. What I do not accept is politicians manipulating such a sensitive matter towards their advantage. As long as the definition of distinct society means allowing Quebec to promote and protect its language and culture, say to that: yes, Quebec is a distinct society.

I hope some of you have read the comic strip *Pogo*, because he was one of my favourites.

3:31

MR. CHAIRMAN: Me too. I'm a great fan.

MR. SCHORAK: He put it so wisely one time. He said: I have seen the enemy, and the enemy is us. I hope some of you read the good book, the Bible. There, in a more dramatic fashion, a very profound message is: "Jesus wept." Those of us who understand know that he wept because of the attitude of the people.

So what do we do? I am making four recommendations in all sincerity and humility as I do believe such actions will start to lead us in the right direction. Number one, regarding citizens' attitudes. All Canadians can benefit from knowing our country better than the present level of understanding. Therefore, government leaders, spend some money on your citizens by holding citizenship seminars all across the country. What's wrong with wining and dining Canadians a bit for such a cause? Why not have Senators act as resource people for such seminars? It will certainly create a better image for Canada than the example of senatorial conduct during the GST debate, which was witnessed by all Canadians. Please help us be proud of Canada.

Secondly, regarding Canadian relations. I believe that Canadians everywhere in our country have the same goals and ambitions; that is, to be given the opportunity to succeed to their best potential in a country that places individual freedom as the cornerstone of our Constitution. We will not accomplish that by indulging in regional dispute and alienation. Instead, help us to understand each other better. One way I can think of is vacation exchanges. I can say very definitely that my wife and I would be glad to entertain people from Quebec for two or three weeks in a year if we know that that's going to be reciprocated. I think that such exchanges would enhance regional understanding levels better than any other efforts. This could be carried on from year to year involving different people and regions. The example given I know is an oversimplification, as much preparation and detail are involved in such exchanges. I would recommend that the federal and provincial governments be responsible for administering the program.

The third recommendation is regarding the political system. It seems the public has lost faith, trust, and confidence in our political system. It seems to me that one of the underlying factors contributing toward such a loss is that we have the adversary system. That means the government of the day will do whatever to retain power and the opposition will do whatever to bring the government down. No wonder we are losing faith in our political system. The adversary system will work if both sides will accentuate the positive. Please don't sow seeds of dissension or make promises that belong in wonderland. Canadians want their political leaders to be responsible and accountable. The biggest dollars and benefits don't necessarily get the best leaders. We are not that naive. As recently as September 17 of this year I witnessed on national television a Member of Parliament call a fellow member a slut. That does not help me to be a proud Canadian. Political and business leaders, there are so many things that need attention. Please let's get started.

The fourth recommendation is ratifying the Constitution. How do we accomplish this enormous task when one considers all the existing regional relationship stress? The Meech Lake accord failed. Now the Hon. Joe Clark is working valiantly and diligently and facing much rejection. Could it be because our political system is adversarial and all efforts are doomed to fail? Regrettably, I think so. Therefore, I would recommend that a committee of five Canadian citizens of good repute be given the task of drawing up criteria for ratifying the Constitution. Since the political system will have to approve any final accord, let each major political party appoint one member for a total of three and let the Governor General of Canada appoint two cochairpersons from citizens free of political affiliations. The efforts of such a committee would have the best interest of Canada as a whole at heart and be relatively free of the confrontation that exists.

With the four recommendations given herein implemented, I am confident that the desired change of attitude would occur and we will again be known as proud Canadians.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you very much, Paul. You've given us an interesting proposal relative to how the Constitution might be dealt with.

I was going to respond, but are there other questions? Pam.

MS BARRETT: Yes. First of all, thanks for giving us written copy. Secondly, thanks for being so analytical. I think that's very, very useful.

I actually have a whole series of questions, but I'm going to try to stick to one issue, although there may be a couple of questions in there, and that has to do with these citizens' seminars. Are you talking about seminars where people get together and find out or discuss what rights they have under the law and under the Constitution, or are you just talking about getting people together basically to be sounding boards for the politicians on whose behalf they are meant to act?

MR. SCHORAK: No. I'm thinking of seminars that will do many things but first start us to understanding our history real well, because I don't think we do. Secondly, to show what's happening presently, we have to catch up on our past history, and we also have to know what is happening presently. There are so many confused thoughts out there as to what's going on. There needs to be a better level of understanding, and I can't think of a better way than to have some seminars that help us to get in tune with what it's all about.

MS BARRETT: Well, you know, I can tell by your entire presentation that you are a person of extreme good will, and this is very clear from your recommendations as well. I'm really happy to see that. But I wonder: do you think people would attend them?

MR. SCHORAK: That's why I put the idea of wining and dining in there. If you do that, yes, they will attend.

MS BARRETT: Ah ha; come and talk about where we've been and where we're going, and we'll give you cheese and crackers and wine afterwards.

MR. SCHORAK: Really I'm saying that a little facetiously, but there is some truth in it too. Yes, the people I've talked to are very interested, and I would think that we would be very surprised at the participation level of such education seminars.

MS BARRETT: I just have one more question, if that's okay. What would you see these things evolving into? If you start off by talking about, say, the historical context of a Constitution and stuff like that and you want to keep people – I don't know – sort of active and participating in decision-making, which is a good goal and there are a lot of people that want it, what would you see it evolving into? Because they're not going to come back time and again. You're not going to hold a once-a-month meeting in Hanna and get people just talking about the history. Would you like to see things organized so that people are coming to talk about issues of the day once a month or once every two months?

3:41

MR. SCHORAK: I think, first of all, that people have to understand the levels of government, how they exist and how they work. It's surprising how many people don't understand this. I spent three years as a reeve of a county just recently here, and it's amazing the lack of understanding people have of the political system.

Then the other thing that needs to be done: what's wrong with showing off Canada a little bit? You would do that. You would give people some history that we can be proud of, some things that will make us feel good about ourselves. That's one of the main things.

MS BARRETT: I think you're right about not feeling good about ourselves. Thanks.

MR. CHAIRMAN: Any other questions or comments? Sheldon.

MR. CHUMIR: Thank you very much. I'm also very appreciative of the presentation. You're obviously a proud Canadian. You feel we have accomplished far more in the positive sense than we have created problems, and I share that sentiment. Your recommendations seem to be directed towards the process of bringing Canadians together, and I agree with that, although right now we're at a very, very late stage on that. We've got some proposals on the table. I'm wondering, in terms of your sense of values as a Canadian, how important it is to you to keep our federal government strong. When I say keep it strong, there are some who say it isn't particularly strong in relation to other federations. How important is a strong central government? Looking at the constitutional proposals which were unveiled yesterday, as one looks at them, there's power after power after power that's gone from the federal government to the provinces or has just been simply eliminated from the federal sphere. How concerned are you about that?

MR. SCHORAK: I do believe this country has become one of the greatest countries in the world because we had a federal government that was going in the right direction. I would be very much in favour of keeping it strong, and that's not taking anything away from the provinces at all if you work together, not at all.

I might say that a lot of the opinions in here are not mine. I talked to many, many people in urban and rural Alberta in compiling this, and that feeling is pretty prevalent. Now, if I may say so, and pardon this blunt expression, there are rednecked Albertans around, but they're the ones we hear a lot. If you get out there and listen to the rest of the people, they feel pretty strongly about a strong Canada and a strong federal government.

MR. CHUMIR: Well, I'm pleased to hear that, because so do I.

Let me shift gears a bit here and just sound you out a bit on this distinct society, because you're very responsive to having Quebec recognized as a distinct society. I think there's almost universal agreement in the country that a symbolic recognition that they are different, as they obviously are, is okay. But there are some differences of opinion as to whether or not a recognition of this distinctness in a substantive sense – and in particular in yesterday's announcements, a special situation in relation to the Charter would result in, number one, certain legislation being able to be enacted by the Quebec government, potentially, that other provinces couldn't enact, and at the same time, as part of that, citizens in Quebec perhaps having fewer rights vis-à-vis the Charter. Now, is that the distinctness you would support, or are you supportive only of the first category, of the symbolic sense?

MR. SCHORAK: The distinctness is a little more than symbolic, but you do have to be very careful, sir, about extending extra powers, because that will divide. That won't unify; that'll divide. But as I understand the Quebec, the Francophone, feeling – and this is why I would benefit from one of those vacation exchanges, to understand it better. I have a sister-in-law and her husband and a nephew and his family that are in Montreal, and I get pretty good feedback. As I understand it, the Francophones' main concern is maintaining their language and their culture. And why not? That was what Confederation was all about, and they recognize that. So to me distinct society emphasizes that. Any special powers could be scary stuff, and it would divide the country.

MR. CHUMIR: What about the proposal with respect to putting the distinct society provision in the Charter so that that impacts the interpretation of the Charter and perhaps results in a different interpretation of rights in Quebec as opposed to the rest of the country?

MR. SCHORAK: I don't find that threatening personally, but I realize what you're saying. I haven't studied that too closely. If it's recognized in the Charter, I can't see it being a threat.

MR. CHAIRMAN: Thank you very much.

Paul, your suggestion that five good Canadians be given the responsibility of drafting a Constitution that the rest of us would accept may be a nice ideal, but one of the problems we faced in the Meech Lake process was that the perception was that 11 people tried to draft a Constitution and that was not satisfactory, and the public then demanded more participation in the process. It would seem to me that your proposal is running contrary to what we've been hearing in the last year and a half since Meech Lake failed.

MR. SCHORAK: Yes, but the 11 at Meech Lake were Premiers, politicians. It grieves me to say it, but the public has lost their trust. I think for them to buy in, it'll have to be done by somebody that's removed from the political field. Correct me if I'm wrong, but it seems to me the Constitution of the United States of America was done by one person that was not a politician.

MR. CHAIRMAN: Oh, I don't think that is quite accurate. It was drafted and went through a lengthy process of discussion in state Legislatures and so on and by politicians, I might add. It's an interesting proposal, but I wonder where we're going to find these five saints that you're looking for.

MR. SCHORAK: Well, for three of them I'm saying that the Conservatives, the Liberals, and the NDs appoint them. The other ones, the coleaders, if you think about that a little bit, will really have the balance of power. If you let the Governor General do that, if you want to throw some names around that I know the public would accept: people such as Roy Bonisteel, that used to run *Man Alive*, or Peter Gzowski. That's just to think of a few.

MR. CHAIRMAN: Okay. It's an interesting proposal. I appreciate your sincerity and your obvious concern for Canada. I must tell you that we had an interesting proposal yesterday. I'm not endorsing it, but relative to getting Canadians to know each other better, a lady came forward yesterday and recommended a national unity tax credit, which would permit you to have a tax credit for the amount of money you spent on travel within Canada, encouraging a cross-cultural process.

MR. SCHORAK: That's interesting.

MR. CHAIRMAN: I don't know how much it would cost, and I'm sure the Minister of National Revenue would wince at it, but the notion is there, and it's the same theme: that we've got to get to know each other better. Your theme has carried through today in the same light, and I appreciate that. Thank you very much.

MR. SCHORAK: Thank you.

MR. ROSTAD: I was just going to ask Paul before you got on to that one whether your plan envisioned the governments financing these or just setting up the mechanism for trade-offs.

MR. SCHORAK: Administering is the most awesome task, because this is on a national basis. Let's say a private person wouldn't have much of a chance of coping with the administering of vacation exchanges, and administering would be the main responsibility, which has financial implications.

MR. ROSTAD: But you'd be responsible for your own airfare or train or however you wanted to decide?

MR. SCHORAK: Yes.

MR. ROSTAD: Okay.

3:51

MR. McINNIS: Well, I was just confused on one point. I understood the four-member or five-member committee was to develop a system to ratify the Constitution, not that they would write the whole thing themselves, right? They would develop a system for ratification.

MR. SCHORAK: Yes.

MR. McINNIS: Okay. Thanks.

MR. CHAIRMAN: Oh, I see, okay. I'm sorry; I misread the . . .

Well, thank you very much, Paul, for your presentation.

The next presenter will be Harry Gordon, and then Eugene Kush. There were two available time slots, so we'll ask Harry to come forward, please.

MR. GORDON: Good afternoon, panel. I'm Harry Gordon, as it says here, and I live 28 miles southeast of here, near the Sheerness power plant on 36. I registered to appear before this panel a long time ago; it seems like a long time ago anyway. You'll be hearing tonight – I think it's 7 o'clock or thereabouts – from Lloyd Hutton. You haven't got his presentation, but I have. I'm not going to comment on it. There are five names on the back, and I was going to say I'm one of the saintly five or the famous five, or whatever you want to designate us as after Lloyd gets through with you after supper tonight. So I really am not going to pre-empt that at all, and I'm not going to comment on what we've said as the five of us, because we've covered the whole gamut from one end to the other. I've had this Alberta in a New Canada, which you have copies of out here, and I went through that a long, long time ago. I've got a few notes, and I would just like to make a few comments on that, and I'll leave the formal presentation to Lloyd.

There are a few things. I really appreciated all the quotes in this little pamphlet. I thought that was excellent; I really did. I'm not going to take time to go into a lot of them, but there are a few little things I'm concerned about. The trade-offs that might happen between satisfying Quebec's wants and needs or desires as against the western provinces – and I'm referring particularly to the triple E Senate. After what happened yesterday, it looks like there are going to be some things wanting here and there, and I'm a little worried about that. If I had any recommendation, I would think that the west had better hang tough there, because if you only elect a Senate, it's a long way from my understanding of what we should have anyway to straighten things out and get some balance in our system.

I often wonder about what more does Quebec want at arm's length from here. They keep getting some of the things that they want. As you people are all aware, they got control of their immigration here not very long ago, and I don't think we do in Alberta. Quebec collects its own income taxes and does quite a lot of other things.

I'll make a comment regarding our Charter of Rights and Freedoms: I don't think a distinct society should be taken care of in that manner. I don't think it should be entrenched in the Charter of Rights and Freedoms. I've got some problems with the Charter of Rights and Freedoms. That was supposed to do a lot of things for us, but as I see things, it seems like Canada's now being governed by the courts. We've got all these challenges to the Charter and the courts have to make a decision. This goes on all the time, and I haven't any answer for that, but I'm somewhat disturbed about it because that's not my idea of what it could be, that the government should be, anyway.

I'm going to close with just a couple of things. Well, I covered them: the distinct society was one of them, and the Senate. I don't think a partial triple E is good enough. I'll leave you with that, and all the things that are in our formal presentation Lloyd Hutton will be covering this evening.

MR. CHAIRMAN: Okay. Thank you very much, Harry.
Any questions? Yes, Sheldon.

MR. CHUMIR: Would you be prepared to trade the triple E for distinct society? If we were to get that, would it be reasonable for us to concede on distinct society?

MR. GORDON: Yes, I would.

MR. CHAIRMAN: Well, that's very clear. Any other questions or comments?
I take it, Harry, that you're not known for beating around the bush.

MR. CHUMIR: Nobody's ever had cause to give you Windy as a nickname.

MR. McINNIS: I've got a question for Harry. You mentioned several powers or areas of jurisdiction that are going to Quebec. You mentioned that they control their own immigration, and there might have been one other you mentioned as well.

MR. GORDON: Income tax.

MR. McINNIS: Oh, the income tax. As I understand what the federal government proposes, any province could have the same agreement on immigration, and I think it's probably the case that any province could set up its own income tax system if it was willing to pay the cost of having it. Is it your feeling that those powers would be okay to transfer as long as every province got them, or do you think it's better that income tax and immigration remain with the federal government?

MR. GORDON: Well, if any province thought it was to their benefit to have it, I would have no quarrel. I guess I'm an Albertan before I'm a Canadian. I don't know why. Maybe it's not the place to say it, but I guess I am. I can't do much now to change that anyway. But if that's what we need and provinces want it – and you're right, you know – I have a feeling that Alberta will profit as a province out of this confrontation we're having.

MR. CHAIRMAN: Okay. Well, thank you very much. There are a couple of comments I'd just like to make. The transfer of immigration powers to Quebec actually occurred many years ago in an agreement between the then Trudeau government and the government of the day in what was known as the Cullen-Couture agreement, in which Quebec was allowed to set up its own immigration offices in different parts of the world. What was recently done was to enhance that particular agreement. So Quebec has in fact had a special agreement on immigration in effect in Canada for about 20 years, I think, and that has been a source of some concern to other provinces. It's not just recently that Quebec had that transferred to them. That's just a matter of information for you. In addition, the Constitution of today says that immigration is a concurrent responsibility. Agriculture and immigration are specifically set out as being joint responsibilities of the federal and provincial governments. Most provinces have let the immigration thing lapse by nonusage, but Quebec has been very, very firm about asserting its rights in that respect.

The other thing that you made a point about was the courts governing the country. That, of course, was one of the main concerns expressed by many provincial leaders in 1981 when the Constitution was patriated and the Charter of Rights introduced into the Constitution. It's because of that concern that the notwithstanding clause was put into the Constitution so that Legislatures could overrule the courts if they felt it was necessary to do so. Alberta has never used the notwithstanding clause, but when Quebec used it, it wasn't very popular in western Canada. I think that a lot of people think the notwithstanding clause was in Meech Lake, but it wasn't; it was in the '81 Constitution. I'm just telling you this for a little information.

4:01

MR. GORDON: Thank you very much. I never got into the notwithstanding clause, and if you're refreshing my memory, there's probably a reason that I forget. I noticed, going through my mail today, that I got a little brochure from the Alzheimer Society of Canada, so maybe there's a valid reason that I forget some things.

MR. CHAIRMAN: Well, thank you very much, Harry.
Eugene Kush.

MR. KUSH: Good afternoon, ladies and gentlemen. My name is Gene Kush. I live here in Hanna, and have lived here for some 30 or 35 years. Originally, when my wife and I moved to this area, we were only going to stay two or three years, make our fortune, and go back to the High River area. But this area has proven to be not as lucrative as I thought it was.

MR. CHAIRMAN: You just made your fortune and stayed here, Gene, that's all.

MR. KUSH: Oh, thank you. But no, not quite.

Thank you for letting me speak to you. I know I've written to some of you and told you how to run the country for many,

many years, and it's indeed a pleasure to be able to face you head-on and tell you what I think.

I'm an average Albertan. I'm no better and no worse than any other person living in any province in Canada, and I think the biggest worry that I've ever had in my life is not the Constitution but how to earn my daily bread. Economics is, I think, the real problem behind this constitutional problem that we have here today. The Prime Minister let us have a skeleton of where he wants to hang various items, and the submissions that I'm making here – I don't want to change them any. I still feel that he's missed the real point. The real point is that if the average Canadian is well fed, has got clothes on his back, somebody's looking after him, nobody's beating him up, his house fires are put out before they start, he's going to be a happy Canadian. Where you find discord as in Quebec is when they don't have the same economic opportunities and they don't have the same economic advancement that we have here out west. I'm making a reasonable living, paying my bills, remaining in good health, and am protected from crime, foreign invasion, and oppressive government. Now, when I speak of government here this afternoon, I don't want to pick on you people. I'll say present company excepted, of course, at all times.

The question of how the Constitution is worded is, I think, of idle interest to me. The point of whether Quebec is a distinct society or not a distinct society: let them be what they want. I pride myself that when I go to a foreign country and one of those beach vendors comes along and tries to sell me something, I speak to him in French. That usually drives them away. I've tried that in Moscow; I've tried that in a lot of places in the world. I look upon it with a lot of pride that we do have Quebec and that Quebec is different from the rest of us. I think that's marvelous. It's nothing that I want to knock down or worry about. I think if Quebec had reasonable opportunity to advance themselves, they'd be the same as we are here, maintaining a strong, united Canada.

I originally thought that the British North America Act and the Constitution that it set up was good enough and that it was Pierre Trudeau who brought in an unnecessary protrusion into peace, order, and good government by trying to perpetuate a myth that everybody is going to be equal when the fact is that some of us are more equal than others. We're not all equal. Equality is a recipe for common laziness. If you look at the breakdown of the Communist system in Russia and in eastern Europe, there everybody was as good as everybody else except the people at the very top; they were better than anybody else. They've shown their laziness. There's no productivity; there's no initiative to get ahead. If we as Canadians try to get across that everybody is as good as everybody else, it just won't work. It's the ability to be able to try and reach ahead and get something that's beyond your grasp. I'm not too sure, but I think it was Alfred, Lord Tennyson who said, "Ah, but a man's reach should exceed his grasp, or what's a heaven for?"

Alex Smith taught constitutional law, and in the classes that I took from him at the university, he predicted anarchy if Canada should ever abandon the North America Act. I agree with him. I see madmen and killers have more protection than their victims, especially if they're under 18 years of age. This business of equality for equality's sake has been stretched far beyond its logical limit. There is some point for equality, but I think we've now had the pendulum swing far, far too far in that direction.

Now, I care for that government that cares for me only as long as it gives me the opportunity to speak up on how the business of the country should be run. I don't really become alarmed when the government ignores me. I do become alarmed when they become secretive, when they shut off their fax machine, when they do not answer letters, when they become arrogant, when they appear almost to be drunk with power. Those are matters that should be addressed in the Constitution as well, in that the government has got to be responsive. If they're responsive to the average Joe, the average Joe takes affection to them. This affection applies not only to my country, Canada, but to Alberta and even to the town of Hanna. I write to the town of Hanna every week, and they file all my letters in the garbage and ignore me. I don't mind that at all, but if they wouldn't even pick up the mail there, I would start to take offence.

Mr. Harry Gordon here complained about judicial legislation, and I agree with him. Recent decisions of the Supreme Court of Canada resemble orders in council, and they've got to never forget the fact that they are judicial appointments. They're not elective appointments and, therefore, should never legislate or publicly announce crusades against one evil or another. As we've seen lately, if a particular group of people does not agree with a judge or he says something that he shouldn't say about some lady that he's picketed already and then the government reacts to the pickets, what we're getting is we're not getting true judicial decisions; we're getting judges that are afraid that if they say something somebody's going to picket them. That should be provided for in the Constitution: the exact limit of what judges are there for, so that they don't start to legislate as we saw one in British Columbia legislate over the Election Act and the distribution of votes.

There should be equality between the regions. We need the encouragement of a Canadian identity, not a French identity or an Asian or a European identity but a good old homemade Canadian identity. Let's leave our ancestral troubles in France or in India or Russia or China. Let's make this a decent, caring, free land that attracts our first and our strongest loyalty to the point where we would lay down our lives to protect our way of life. Now, how are we going to do that?

Well, first we've got to change the class of politicians that we have, present company excepted. We have to have politicians who are not power hungry empire-builders who have plagued us for the past 50 years. In my view, government in all its forms has become an old boys' club. The theoretical democratic ideas behind it just don't exist any more. You've got your backroom meetings and the king-makers. I've been to several Ottawa-type elections for leader, and that is not my idea of true democracy. I think probably the way to get around that is to do this: get rid of professional politicians. Let's go for: elected positions should never extend to more than two terms. You've been there two terms, out. You might then become eligible to be voted into the Senate, but you should not run for elective position anywhere for more than two terms. The President of the United States – it's stolen from that amendment to their Constitution. They don't allow their President to have more than two terms. There's a good reason for it, and I think the same reason applies here. Two terms and out they go.

4:11

The best government I think you're going to find is government by amateurs. I recall when Peter Lougheed got elected and his Deputy Premier was Hugh Horner. He was a goer; he was a doer. You look back at governments. They're very enthusiastic during the first two terms of their session, but after that it becomes self-perpetuating. They drift away from listening to the people, and they listen to their experts, their professional deputy ministers and other experts. Leave a politician in office too long and he rapidly becomes dependent upon these experts and forgets how difficult it is to earn a living in private industry. Right here in this town, this community, we are suffering. We've had some good help from the provincial government, but the real problem is that the price for our products is very, very low. You can go from here to Calgary and you'll see it; there's poverty there. I have it in my office every Monday morning. There are one or two people that are so depressed the father is even planning suicide at times, and he quite frankly admits it.

If you have some say in your Constitution, make your economics the most important thing. There are a lot of hungry people in the world. Why can't I sell my wheat and my grain to some of these people that are hungry and get a dollar? That's where we should be concentrating our efforts, in finding markets and in doing things that are different. What we've done is let the politicians perpetuate themselves in power in the same way that a turtle protects himself with a shell. They bought our vote with our own money, and they've created a monstrous deficit in all levels of government, present company excepted, of course.

We have to encourage small business to help the individual. Now, that's very, very important. There should be something in the Constitution to limit the size of business, because Canada can be just as easily destroyed by large corporations and large business that don't have a soul as it can by what besets it at the moment. We should allow people to have the hope, the ability to be able to get ahead and make a few bucks other than just by buying Lotto 6/49.

Good people should be encouraged and paid handsomely to take part in government. When I say paid handsomely, I mean paid well during the time that they're serving and give them a good pension as well, because if they're worth having and they're worth governing us and worth running our country, they're worth something to us in the way of dollars. I know of one ex-MLA here. He's lost close to half a million dollars by being an MLA, and he finally smartened up and quit. He's now got his farm and ranch back up to where it should have been. I see these idiots running around selling memberships to cut off someone's pension, cut off Horner's pension because he's making too much, or somebody else's pension. I think that's nonsense. If you want to have good government, you first of all get good people, not because they win a popularity contest but because they have talent that this country needs.

We cannot lose sight of the fact that all wisdom is not concentrated in Ottawa or Edmonton. When I was the mayor in Hanna here, if we wanted to do something, it would be just our own little group; we couldn't go outside our group to get any wisdom. We thought all wisdom was concentrated right in there in the town chambers. Well, it isn't. Election to public office does not create talent where none exists. That's a very important rule. Somehow we electors elect people that may be handsome with good, smiley teeth and a good, stiff jaw and all that, but so far as being talented and capable of using the old noggin, it just isn't there.

I may be an idealist. You look at the common man throughout the world. He's breaking up his big country from strong federal authority. Why? What's happening in Russia? What's happening in Czechoslovakia, Yugoslavia, and thereabouts? It's even starting to happen in the United States. They resent strong federal authority. You know why? Because the government that's the closest to me is the kindest to me. My town is usually nicer to me than Ottawa will ever be, because I can go down there and I can given Walter Smigg a good shot verbally or write a mean letter to him or do something, but I have an awful time getting down to Ottawa. You're finding that the public as a whole is disenchanted because there's no communication with those people. Nobody listens. As my son-in-law says, the lights are on, but there's nobody home.

I submit that your constitutional reform group should, number one, try to do a good job. Do it once and for all, because this business of having one Constitution on Friday and another one on Saturday and another one two years later or three years later just doesn't make good sense in trying to set long-term financial objectives. Do it not on political expediency; do it for good, common horse sense. Don't just protect the politician; heed the electorate. That should be the rule, what's good for the country, not what's good for me as a Prime Minister or a member that seeks re-election. Now that you've seen my aspirations for the Constitution, you draw what you need to carry out those objectives throughout Canada from coast to coast.

Quebec's being unique? Yes, they are unique; they always have been. And thank God that they're unique, the same way that the people in New Brunswick are unique and the hillbillies here from the Hand Hills, where I spend some of my time, are unique and a little dippy. That's unique. There's nothing wrong with being unique. I pride myself on that. Now we say, "Well, those provinces are going to break away; they're going to destroy the country." Well, if they don't have basic primitive objectives to look after their citizens so that their citizens first have good economics and they're happy, they can go and look for their fortune elsewhere. Where can Quebec go? They'll be back. They can't change geography. The first time the Americans decide to have a war and conscript everybody, all of them will come back into Canada as draft evaders anyway. They're not going to join the United States.

These breakaway regions are leaving the central authority because of economic oppression by federal authorities who have had too much power for far too long. I do think that the federal government is far too strong. The only thing they should be able to do is control the army, the navy, that one submarine that they're going to buy, the air force, take care of international trade, and be responsible for the money. Now, so far as a strong province, yes, make the province strong. After all, they're the ones that are closest to me. They're the ones that I see the results of good things that they do quicker than I ever see the results of something good that's come from, for example, the Bank of Canada and the idiot that runs that. I've written to him many, many times and suggested that he go and commit suicide, but he doesn't want to do it.

Canada is too strong a country to be destroyed by the loss of one or two unhappy regions. If we do lose them, it's only going to be temporary. They will be apart from us only long enough for them to learn the truth that the green grass across the road isn't as green as they thought it was. Well, my cow learned that lesson a long time ago. It's come back; it no longer wants to go across the road. Then when they do come back with their request to kiss and make up, we should kiss and make up with them, when they see how well Canada is being run by the new Constitution that I've suggested to you in my submissions, all of which I respectfully submit to you. I don't want to have you feel angry at me. I'm a bit of a redneck; I've always been known to be that. It's all submitted to you without delusions of grandeur.

MR. CHAIRMAN: Thank you very much, Gene. You're plainspoken as ever. It's been a while since we met in the courtroom, but . . .

MR. KUSH: I lost that go-round, and I'll never forgive you for that one.

MR. CHAIRMAN: It was a good case to win. Anyway, that's another topic.

Questions or comments? Yes, John.

MR. McINNIS: Gene, without necessarily agreeing with your remedy, I certainly agree with you about the policies of the Bank of Canada. We've followed a policy of having interest rates that much higher than the United States for quite a few years on the grounds that that would somehow bring our economy back into sync, and I don't really think it's worked. I noticed in the new federal proposals that they want to change the role and mandate of the Bank of Canada and put in the Constitution that the role of the Bank of Canada is to fight inflation, which I think is what they figure they've been doing up to now. I would take it that you wouldn't be very enthusiastic about entrenching in the Constitution that specific role for the Bank of Canada.

MR. KUSH: The government of Canada at this time, and no government of Canada that I've ever seen, ever knows how to fight inflation. You can't fight inflation by printing more money, and you can't fight inflation by putting some person in the Bank of Canada who hasn't got the brains God gave geese. Any economics professor at the university of Edmonton will tell you that you don't do it that way. What he's trying to do is keep up with the United States. We're our own individual little country. True, we've got to pay some attention to that, but if that's in the constitutional suggestion by the government, I think that should be fought bitterly. The economics should be such that we in Alberta control our economy as much as we possibly can so we cover our own regions. For example, we've got drought here; we should be able to figure out a plant that grows in drought or a cow that never drinks water or a fish that doesn't need water or something; you know, control our own destiny as much as we can. We'll do it better than some agriculturalist in Ottawa will ever do or some Bank of Canada man or whatever you want to do. We don't need those people.

4:21

MR. McINNIS: Thank you.

MR. CHAIRMAN: Thank you.

That was an interesting proposal that John brought up, that they would entrench a purpose for the Bank of Canada in the Constitution.

MR. CHUMIR: They obviously have long memories, back to Germany of the early '20s.

I must say, Eugene, that I have some problems with your interpretation of the federations throughout the world breaking up. I think there are some, but I would argue that these are unique circumstances of a Communist empire disintegrating and ethnic difficulties and ambitions coming to the fore rather than any dominant force in history. Indeed, when you look at the other federations – the U.S., Australia, Germany – they're all very strong. Probably the most significant trend of any group of nations in this world is the European Economic Community moving to come together.

I also have some problems with your thesis that the federal government is far too strong and it should be restricted to having jurisdiction over defence, currency, and international trade. It sounds to me that you're prepared to outdo the Allaire report. Might I ask: if that is all that we're interested in in a country, would you subscribe to Alberta joining the United States, because we'd probably do better?

MR. KUSH: No, never, although I must admit that at one time I did write to the Department of Agriculture in the United States to find out how we could get some relief grants for being dried out for the past eight or 10 years. But I would never want to join the United States. I'm proud of Canada. We're the best country in the whole world.

I disagree with you when you say they're not falling apart. The United States is falling apart. Every winter I try to go down to the southern regions and talk to the farmers there. They're not happy. The only way one of their children can ever own a farm is to be rich, inherit it, marry into a farm, or get educated through the army, the navy, or the air force. When you've got Colonel Sanders putting up 200,000 chickens and all the guy does is work for wages, that isn't agriculture. They are unhappy. They haven't got to the point where Quebec is, but the United States has the same problem: the trade channels are north and south, not east and west. There's no love lost between Florida and California, you know.

Australia isn't that solid. They've got some problems. They're screaming over economics at this particular point in time as badly as we are.

MR. CHUMIR: Well, as Nick Taylor would say, to note that there are unhappy people in strong countries is like being surprised that banks charge interest. There's unhappiness all over, but I don't see them breaking up.

You say you're proud of Canada. What is it, then, beyond defence, currency, and international trade that makes you proud? Surely these are not indices of pride. What is it about this country? Surely some of the institutions and the things we do collectively have to have some impact in that regard.

MR. KUSH: The thing I'm the proudest of is that I can sit here today and argue with you over how the country should be run. That's the best thing about this country. From there on you can get into the other institutions we have. But basically the federal government is too powerful, has been too powerful, and they've got to have their wings clipped. Quebec is on the right path when they want to take more power away from the federal government. I think we in Alberta should be following Quebec in the same way.

MR. CHUMIR: Well, some think that we have for some years. Thank you.

MR. KUSH: Thank you, Sheldon.

MR. CHAIRMAN: Thanks very much, Eugene.

MR. KUSH: Thank you, gentlemen.

MR. CHAIRMAN: Our next presenter is Lloyd Archibald, but I don't believe he has appeared yet. He was scheduled at 4:30. Perhaps we'll just take a little break.

Thank you very much.

[The committee adjourned from 4:25 p.m. to 4:41 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to reconvene and apologize for not introducing the secretary of the committee, Garry Pocock, when I had our colleagues introduce themselves.

Our next presenter has arrived. We'll call on Lloyd Archibald to make his presentation.

MR. ARCHIBALD: Thank you.

MR. CHAIRMAN: Mr. Archibald would like to stand because of his bad back. Go ahead.

MR. ARCHIBALD: There is a chap in Vancouver, B.C., who has an open-line radio show – is it CKO? – and he had information on a spy here in the western provinces that's spouting hatred, bigotry, everything else. He bragged about being supported by France and by Premier Bourassa over the open-line radio show. Pat Burns has hour-long TV there, if you wanted to check on it. As far as I'm concerned, the guy should be run out of the country.

I'm looking at this from a straight dollar point of view. Everybody's saying we've got to save Canada. Canada is broke. With official bilingualism, under the equalization payments, it's costing us $6 billion per year, $180 billion in 30 years; $2 billion or $3 billion, maybe, for official bilingualism per year. In another 10 or 20 years you're getting up to over $200 billion. Multiculturalism, another $2 billion, so we're up to $300 billion. We have a $400 billion debt. We'll have over a $30 billion yearly debt by the federal government.

Now, there's no chance at all of ever getting out. Alberta's been coughing up $10 billion a year to the federal government, and what do we get in return? One billion dollars. What is B.C on this equalization program? Two? Ontario is one more than we are. I have nothing against Bob Rae. I think he's a decent guy – I should mention that I don't belong to any political party – but if they have a $9 billion or $10 billion provincial debt this year for four years, plus the debt they have from ex-Premier Peterson, are we going to carry the whole load? There's no way we can carry that load of debt. It's all very well to say, "Oh, we don't want anybody to separate; give everything to Quebec and let them go on with equalization." This business, this constitutional program: I can't see where Alberta is going to get anything out of it. We're absolutely in the red.

There are a lot of other issues involved here. There should be no French outside Ottawa or Quebec. It costs a hundred million to translate from English to French on those new frigates, and they're not built to be of any use whatsoever. The first big iceberg will destroy them. There's an overrun there of $263 million. They underbid to get the job. At Collingwood they destroyed one of the best shipbuilding companies we had in Canada so they could give those jobs to Quebec, and that shipyard at Collingwood never turned out a poor ship. It was up to qualifications, specifications. It worked the way it should, while these don't. They run up and down the St. Lawrence deciding who's going to get a share of the taxpayers' dollars. I think they're going to have the same thing there as the big O, and it's going to collapse one of these days. I spent five and a half years in the army and 11 months in a tank.

I can't see for the life of me why we should be supporting Quebec to the extent we do. I say stop this equalization business completely. If you can't stand on your own flat feet, you'd better find out how from someone who can, otherwise they're going to drag all of us down. We can't stand a $400 billion debt. It's all very well to print money, but someday it's got to be paid.

I don't know how true this is, but this came from U.S. customs. Those French labels that no one has ever given us a cost on are supposed to cost 25 percent of the finished product at the selling price, which doesn't help us at all in the U.S. market or anyplace. There's a partial boycott now on a lot of Quebec products. They're subsidized like out of this world. A Quebec farmer can come out here and buy beef. He takes it back there, keeps it 61 days; he gets 15 cents a pound more than he paid for it out here, subsidized by the provincial government, the federal government, and all this jazz, over and above what Alberta farmers get.

The Parti Québécois, or whatever they call themselves, talks about leaving Quebec. Well, if they do, they should go back to 1867. Between the Cree and the Inuit they're going to have a big, fat chance of keeping Quebec with the territory they have now.

Now, I threw some stuff in here; you'll probably jump up and down and have a cardiac arrest. There are people today high up on the business echelon who are going bankrupt and the next day they're starting up. We have a $10 billion debt, if I understand it correctly, in Alberta. Is that correct?

MS BARRETT: It's more than that.

MR. ARCHIBALD: I just rounded it out. Well, let's say we went bankrupt. Others are doing it at the top, guys bigger than Black. There's one chap in the States. Mulroney was down there this past spring. I don't know his name, but it's in a book, Mulroney's Death Wish. I think that's what it's in. Because of the cheap labour and everything else, he's going to make a killing, and there was a tax Bill passed to help him out. But as I was going to say, supposing we went bankrupt. It's way out in left field. Say you're paying 10 cents on the dollar. We're clear of nearly all our debt. The next thing I suggest: instead of handing everything over to the federal government, have a third-party appraisal on all the federal lands in Alberta, fair price. They ripped us off with the NEP for $90 billion, and that's without interest. Say "Okay, you took us for $90 billion; we'll assess these, have a third-party appraisal, and call the deal square and take over all the federal properties and land." Now, that sounds farfetched, but are you going to be stuck all the time? Is the taxpayer going to be stuck all the time for Ottawa?

The other option on this $10 billion we owe is: that $10 billion is kept here in Alberta, and the next time they scream for equalization payments say, "No, we can't afford it any longer." If you have some drunken slob in the family and each week you're donating enough money to live on, groceries and so on, and he comes back every Friday night or Saturday morning and says, "I had a tough week; I had a hard time spending that, but I need some more" – this is what's going on under this equalization program. Let every province stand on its own two flat feet, and if they can't straighten out their finances, get somebody in there who can.

Incidentally – and this is for the Alberta government – I can't see for the life of me why you should have a $3 billion debt as far as the civil servants are concerned. That money should never have gone into general revenue, if that's where it went. It would have saved the province money if they had got some stooped old senior that still knows business and accounting and put him in there and said, "Look, we want an accounting for every buck," kept it separate and everything else. I can't understand that at all. It should be kept separate. There's no excuse for a debt.

4:51

These are just a few of the things. I had problems getting here. I had car trouble, and I didn't know whether I was going to make it at 4:30, and then I got the wrong directions for here, and you people maybe think I should have . . .

Now, as far as Quebec and separation, there's a lady there – and I think there's a copy there someplace going around. There are several copies about people that have been in Quebec. I've worked there; I know what goes on. Her mother was in the hospital there. They wouldn't even talk to her in English. They wouldn't give her doctors, nurses, anyone. She had to move her mother out here. They all moved out of Quebec, the whole family, to Alberta. You go through northern Ontario and you have fire regulations all in French, courtesy of ex-Premier Peterson. He was moving into Queen's Park a duplicate department in French. Now, this is why he was kicked out, but nobody's saying anything about it. I made 14 trips to Ontario over this French business. To set up a duplicate department to equal the English-speaking department so Bourassa and him could take over the two provinces and tell the rest of them they could go you know where: that's why he was kicked out. That's why you had unilingual English only over half of Ontario. I think Hastings county at the far eastern end is all unilingual.

You have a lot of towns and villages and this sort of thing – and I was in a motel with the fire regulations all in French. I was half asleep when I got up; I'd driven about 700 or 800 miles the last day. This was four or five years ago. I saw this on the wall and went over and looked at it. It was fire regulations all in French. I guess they expect the English, if a fire starts, to, you know, get the H out, to have enough brains; they didn't need to print anything in English. I tore it off the wall, and I sent a quarter of it to you, Mr. Horsman, I believe, signed by the Solicitor General of Ontario, with no name. I looked around Nipigon, I believe it was – yes – and I couldn't find one Frenchman, but I counted over a hundred English-speaking Canadians.

You can very well get run off the road there. I had a couple of punks try to do that to me with one-ton cubes, one in front and one behind, at 60 miles an hour. I found a cop, and a lady – the poor lady. She was a senior, and it had happened to her the day before, and she was still shaking. I was just angry, but I spent enough time in the army. I saw one of the guys; I'm going back down to Ontario again. The cop says to me, "Did you get the licence number?" I said, "How am I getting the licence number with a truck five feet in front of me and one five feet behind me and we're doing 60 miles an hour and I'm trying to get out?" I gave him the name of the company on the trucks. I said, "I'll take care of it myself."

But this is the stuff that's going on. You're sworn at, you're cursed at, everything under the sun. Now, whether you want to believe it or not, there's enough evidence there, people who have written in, and it's a disgrace. There's no way we should have to put up with that. I'm saying this on behalf of the . . . Incidentally, there were 5,000 French who died in World War II, and there were 38,000 English-speaking Canadians. I listened to a Frenchman get up in the question period and scream his head off about 5,000 French dying, and I waited and waited and waited for somebody to get up and say, "Hey, we're sorry about this, but 38,000 English-speaking Canadians died." Not one lousy politician. I wrote to George Hees – he used to be Minister of Veterans Affairs – and he wouldn't even say beans. He didn't give a solitary damn about any veteran. I wrote to Allan Lawrence; I asked him to make an apology just so it could be recorded in the House of Commons when it was in session. Nothing. That's how much they care about English-speaking Canadians or veterans.

I had more here to say, but I got so goofed up in coming up here that I'll probably close and wish . . .

On the Legion business, that was an absolute disgrace. The Legion set up one separate spot – incidentally, I've worked with Sikhs. They call us pigs, for your information, gentlemen. That was stated to English-speaking Canadians on the floor in Calgary. There happened to be an English chap there from India. He just walked over, and if it hadn't been for the manager, that guy would have got tuned in the proper way. But that's what they think of us, the Sikhs.

This minority business and all this crap. We didn't have any trouble until they got into this minority and human rights and everything. Every day now the media's grabbing something, and scream, scream, scream. But do you hear Ukrainians, Chinese, Japanese, dozens of other races? Do you hear of them screaming, "I want, want, want"?

On that Bill C-72, which I'll end up with and then let somebody else have a chance to go at you – I think there's Bill C-72 there someplace. The amended version, if you read it, takes away all the rights of English-speaking Canadians. We haven't any. Even in the C-72 that I have – I wasn't able to get the amended version – we have none at all. If Fortier had had his way, we could have been charged with anything under the sun; no judge, jury, or anything. Just read the Bill that's in there; there's one of them around someplace. Sorry; I know I had a bunch here together.

I sent a letter to ex-Premier Peter Lougheed. There it is, and you should have one or two of those. Way back then, in '80, I assumed that people were honest. The way my grandparents brought us up, you were supposed to trust people and believe them. Do you want to know something? The worst thing I ever did in my life was trust people. Every time I turned around, I got hammered, and I've sure got a bone to pick with my grandparents when I see them upstairs.

Anyway, to sum up on this Bill C-72. There's a whole raft of it here, and the amended version is very little different. The Commissioner of Official Languages becomes the investigator, policeman, prosecutor, witness, and judge as and when he chooses. He's above the law, and he's immune from prosecution. He can be guilty of libel and slander and a citizen has no recourse against him. Court actions can be instituted for breaches of the Act. The punitive powers of the federal court on complaints under the Official Languages Act are unrestricted; the penalty could be imprisonment. Billions of dollars will be required for bilingual computer software and hardware and data processing systems. Francophones are the only ethnic group singled out under the Act for special treatment. The Meech Lake accord plus the Official Languages Act will lead to the francization of Canada. Well, Meech Lake didn't go through, thank God. I've got nothing against anyone, but I don't like people taking advantage of those that are unable to fight back or any one race. I say if Quebec's a distinct society, so are the rest of us. There's no way on God's green earth they should have any more privileges than we do or we should have any more than they do.

This two and a half triple E: Alberta should withhold all taxes, and this $10 billion that's being handed over every year under equalization, you're tapped for that and you cough that up. And B.C. – what is it? Two? Ontario pays in one more than we do, but because of the debt they've got, courtesy of ex-Premier Peterson . . . I don't know what their debt is for sure, but I think it's around $40 billion. Now, you add on another $40 billion. Can you imagine the taxes that are going to go on down there? My family wanted me to go back down. I went down and was going to get insurance. In Markdale, six miles from where I went to school, I phoned about it, and the gal says, "Where did you come from?" I said, "Alberta." She says, "Why don't you go back?" and she was English-speaking. This is what's going on, you see, because Ontario and Quebec . . .

So, ladies and gentlemen, I'm sorry; that's it. I won't bore you anymore. Maybe I've left a thought or two with you.

MR. CHAIRMAN: Thank you very much, Mr. Archibald.

Are there any questions or comments that anybody would like to direct to Mr. Archibald?

MR. ARCHIBALD: Sure. I'd be glad to answer anything you care to throw at me.

MR. CHAIRMAN: Okay. Well, thank you very much for coming this distance and letting us know your views.

MR. ARCHIBALD: Thank you.

MR. CHAIRMAN: I understand Mr. McGregor would like to make some comments. Joyce Westerlund is not going to be able to attend because of a funeral in the family.

5:01

MR. McGREGOR: You notice I hadn't intended to say anything tonight. When it comes to myself against Shirley, I'm afraid I've become a member of the weaker sex. Also, because of the fact that, as you'll no doubt realize, I've still got a very strong Scots accent, I've been classed as a member of an indistinct society.

What I really have here is just more or less in the form of questions. Some of them, of course, obviously you've been hearing already. The first one I haven't seen yet. What exactly is meant by the phrase "distinct society," and why does it appear to be so all- important? Secondly, why has the emphasis been placed on the rest of Canada to conform and apparently defer to Quebec when it is Quebec that has been doing the threatening to separate, not the rest of Canada? Thirdly, if this goes through as it stands, will the Quebec language laws and their police who enforce it be allowed to continue? If so, why? Why should it be allowed there while it's a fault anywhere else? Number four is that I've been fairly concerned with the fact that the likes of the Constitution and the Charter of Rights re race relations are being used in manners in which they were never intended, in my view, to be used. They are being used as excuses for this, that, or whatever comes up against us, as defences. I don't think they were ever intended to be used as that.

Next, I always wondered why the government – and it's not just related to Canada – tends to almost from the beginning get into the idea of "we know what is best for you," without listening to what the people say. They sometimes don't listen to what the people say. The government knows what's best for the public, whether that is in fact the case or not, because the majority of the people in the country want something else.

Lastly, more or less in conclusion, originally back home I was a police officer. I attended a course for senior police officers there, and one of the things that we had to do in our group was to make a presentation. Each group had a different presentation, and ours happened to be: does the future of world peace rest with Canada? While I'm not going to go on to that side of things, what I did find – I was very fortunate in getting the *Times* supplement then, which had an economic section going, and I got a little bit of information from it. It seems to me that today the concerns are exactly the same concerns as they were in 1959. The business concerns are exactly the same. They've never solved that problem. I wonder why.

Thank you.

MR. CHAIRMAN: Thank you, Mr. McGregor. You've posed a number of questions to us. You're sort of reversing the field on us, because we're here to ask you questions about what you think Canada should be, but perhaps I could give you a couple of comments.

First of all, the distinct society which is proposed in the paper that came out yesterday from Ottawa is an attempt, I think, to define what was meant by that term, which fell into disrepute during the Meech Lake process. I'm not here to endorse the federal paper or to speak on its behalf, but what they're trying to say is that in terms of Quebec's French language, French culture, and the Civil Code, which has been in place in Quebec since before Confederation and since then, of course, those are the definitions as to what is to be meant by "distinct society." That's an effort that was not made in the Meech Lake process. You've heard, if you've been here, some people saying: "Yes, Quebec is distinct. It's different, and it should be permitted to protect its distinctiveness." Now we'll see whether or not that's what works out in this process.

You make the point that governments don't listen to what people say. Well, we're here. We represent all the parties in the Legislature, and we've been approaching this process in quite a nonpartisan way as we've gone across the province. But I can tell you that we've heard today in this very room the point of view that "Yes, Quebec is a distinct society and should be recognized as such," and "No, Quebec should not be recognized as a distinct society," that "Yes, we need a country called Canada," and, with respect to our last presenter, "No, we don't need a country called Canada." We heard yesterday – and there was reference to the federal paper which came out yesterday – a presenter tell us, "Under no circumstances are you to agree to Quebec as a distinct society in the Constitution." The second presenter after that individual told us, "Absolutely, you must recognize Quebec as a distinct society, and not only recognize Quebec as a distinct society but give it special powers that other provinces don't have."

Okay. I'm just saying that in trying to listen to what the people say, the people do not speak with one voice, and all of us are seriously trying to ferret out what we might characterize as a middle ground which will be supported by the broadest possible majority of the population. It isn't easy. I can't answer some of the questions that you've posed because perhaps there aren't any answers. I certainly recognize the frustration that's inherent in your comments about politicians and our political system, as to whether or not it will reflect the needs, desires, and ambitions of its citizens, but it's a challenge that's facing governments all over the world.

I'll just relate something to you which my colleagues on the panel are tired of hearing. In June I attended a conference in the United States as the only Canadian with a group of American state legislators. It was a course put on by Boston University School of Management. One of the techniques they had was to have us all write down at the beginning of the day what we considered to be the most pressing political concern facing American state legislators and me, as the only Canadian – not "issue" but "concern." There's a difference, obviously, between a political concern and an issue. At the end of the day the professor came back, and he said the most pressing political concern facing American state legislators is public cynicism towards politicians. The second most pressing concern was the failure of the American political system to serve the needs of its citizens, and the third was the role that the news media plays between the people and the elected politicians. As a Canadian I couldn't agree more that those are the concerns that people express to us, but it's true across the border just as strongly as it is here in Canada. I'm just relating that to you to demonstrate how difficult it is to overcome the gap between the people and the politicians that is inherent in the questions that you posed to us today.

MR. McGREGOR: In referring to that, what I was thinking about mostly was the fact – and we can only go by Gallup polls from the ordinary person's point of view – that in many instances the people's poll is so very high, but the government has gone in the opposite direction.

MR. CHAIRMAN: You see, that's another factor that I think has come into play in the last 20 years or the last decade even, the amount of polling that is done. Of course, what is in the response depends to a large measure on how the question is asked and posed as well. I've asked through polls the people in my constituency: what do you want? They want more medicare; they want good medicare; they want better education. They want, you know, you name it. Then the question: do you want to pay more taxes? No. The answer is overwhelmingly, "No, I don't want to pay more taxes, but I want to have all these services."

I'm just chatting here, because it's a dilemma that we face, and I just want you to understand that we are very concerned, all of us, no matter what party we're in, about how government is going to serve the people. That is quite opposite to what a lot of people think; that is, that we are more concerned about telling you what's good for you. It's a dilemma. So we appreciate your views, and we appreciate the opportunity this gives us to have this type of dialogue as well.

Stock.

5:11

MR. DAY: A question to Mr. McGregor, Mr. Chairman. Sir, you talked about some concerns about the Charter, and it wasn't specific. Could you be a little more specific? You talked about the Charter used as a defence, and then I didn't catch what for. Can you be a little more specific on that?

MR. McGREGOR: I seem to recall that on several occasions the Charter and the Constitution have been used in manners in which they were not intended to be used, as an argument against, and caused a ruling that one feels wasn't right because of that. From the judiciary, I'm talking about.

MR. DAY: So it would be a case of the judiciary overruling the legislative, using the Charter: that's what you're referring to?

MR. McGREGOR: It could be. Yes.

MR. DAY: Okay, thanks.

MR. CHAIRMAN: Well, thank you, Mr. McGregor.

MR. McGREGOR: Thank you, sir.

MR. CHAIRMAN: And it's a pleasure hearing your accent, I can tell you. I grew up as a Presbyterian, and every minister in my younger days had an accent just like yours, so I appreciate it very much.

MR. McGREGOR: May I say in conclusion that while I certainly agreed with the previous speaker when he said that there should be more patriotism in Canada, it should include all of Canada. Quite frankly, I would hesitate to use the States as a role model.

MR. CHAIRMAN: Thank you very much.

Well, we've reached the end of our presenters for this afternoon, and at 7 o'clock we'll reconvene. I understand that we're going to dine somewhere in Hanna this evening. [interjections] At the Canada Grey inn? Okay. So we'll be back at 7.

Are Lloyd Hutton and Claire Grover presenting jointly? Yes? Okay. Well, we'll start with you, then, at 7 o'clock.

Thank you very much. We stand adjourned for now.

[The committee adjourned at 5:13 p.m.]

7:10 p.m. **Wednesday, September 25, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to commence this evening's proceedings. Where is our secretary?

MS BARRETT: Je ne sais pas.

MR. McINNIS: I think he's booking another presenter.

MR. CHAIRMAN: Oh, okay.

We would like to get under way. My name is Jim Horsman. I'm the member of the Legislature for Medicine Hat and the chairman of this select special committee considering constitutional reform. Most of you were here this afternoon, but for those of you who weren't, I'll have my colleagues each introduce themselves starting on my left.

MR. CHUMIR: Sheldon Chumir, MLA for Calgary-Buffalo.

MS BARRETT: Pam Barrett, MLA for Edmonton-Highlands. I think we'd probably all say the same thing: we just had the best food in the world right here in Hanna. It was a great meal we had.

MR. ROSTAD: Ken Rostad, MLA, Camrose.

MR. McINNIS: John McInnis, MLA, Edmonton-Jasper Place.

MR. DAY: Stockwell Day, Red Deer-North.

MR. SEVERTSON: Gary Severtson, Innisfail.

MR. CHAIRMAN: On my left is Garry Pocock, the secretary of our committee.

Lloyd Hutton and Claire Grover would like to make a joint presentation. Would you come forward, please?

MR. HUTTON: The small group of citizens that we appear on behalf of would like to thank the committee for the opportunity to make this little presentation to the members of the Select Special Committee on Constitutional Reform hearing. The interested citizens, as listed below, appear before this select special committee to convey to the Alberta Legislature our position on constitutional reform.

We endorse the principles put forth in an Alberta constitutional vision that constitutional reform should be to unite and strengthen the Canadian community. We believe that the vast majority of Canadians want the country to remain as one nation and to include all present cultures and societies. We believe that the first step should be to establish a Senate that is elected, with equal representation from each province, and effective enough to achieve fairness for all regions. We believe that step two should be to develop a reasonable constitutional amending formula which would require support by a large majority of the provinces representing a large percentage of the population.

It is not our intention to get into all the specifics of what constitutional changes there should be. However, we feel that all provinces should have equal constitutional status without undermining the present division of powers. All provinces should maintain control over their cultural and language issues, and Canada should continue to have two official languages. The provinces should not be compelled to be bilingual, federal government services included.

A great many Canadians have never understood the reasons for Quebec not being part of the patriation in 1982, nor do we understand what it is they feel deprived of now compared with other citizens of the country. However, if we accept that in the end it will be the people of Quebec who will decide whether their future is within or outside Canada, then they should make their choice based on real facts instead of emotion. Those who are extolling the glories of sovereignty seem to rely solely on emotion in promoting their cause.

It is time for the federal government to develop two options so the people of Quebec can make an intelligent choice. Option one, being the one favoured by the majority of the rest of Canada, would see Quebec remain as a province within a newly structured Canada. Option two would see them as a sovereign, separate nation with all the responsibilities that go with it. In this option all of the cards should be on the table. They must know what happens with regard to public debt, federal properties within their borders, what the loss of equalization payments means to them, what the loss of all federal and cost-shared programs means to them, the impact of potential demands of native groups and other cultures within Quebec's present borders. Every economic consideration and assessment must be made and all of the responsibilities of being a sovereign nation must be examined. They must know what happens with regard to any other matters that would be affected by separation. Given good solid information, surely Quebeckers will make a decision that's favourable to all of Canada.

Canadians cannot expect to achieve perfection in a Constitution overnight. We must remain considerate and objective to deal with matters as they affect the whole of our country.

Respectfully submitted by Abner Grover, retired civil servant; Claire Grover, retired businessman; Harry Gordon, rancher; Gordon Hunter, realtor; and myself, businessman. Endorsed by Alec Simpson, town manager, and Walter Smigg, our mayor.

MR. CHAIRMAN: Thank you very much, Lloyd. I think you've outlined the two options that are facing us.

Others may have questions. Yes, Gary.

MR. SEVERTSON: One for clarification maybe. Did you say that you felt that, say, in what we call English Canada there would be no federal services in French and in Quebec there'd be federal services only in French?

MR. HUTTON: What we're saying is that we shouldn't necessarily have to supply services in French. I think that if you have enough people in an area that should require a service in French, then it would make good sense to offer it.

MR. SEVERTSON: Okay. The way I took it was that in English Canada there'd be no French service.

MR. HUTTON: No. We want to get rid of the compulsion that it be there.

MR. SEVERTSON: Okay.

One other question in reference to the Senate. Did you say you want it selected not elected?

MR. HUTTON: No. Elected.

MR. SEVERTSON: Okay. Sorry.

MR. CHAIRMAN: I was going to ask that question too. You want an elected Senate?

MR. HUTTON: Modeled after the triple E so the regions are properly looked after.

MR. CHAIRMAN: Any other questions?

MR. CHUMIR: You have a strong sensitivity for the nation obviously. I'm wondering whether the vision you and the members of your group have is one of having a strong federal government as well as a binding factor in the nation, or whether or not you're more inclined towards distributing powers to the provinces as Quebec wants.

MR. HUTTON: When we looked at the division of powers as they are now, we had trouble deciding how you could really change them any amount. We see the need for a strong federal government. As we looked at the division of powers that came out in this little booklet that I think the federal Members of Parliament probably distributed around the country to most of their constituents, the one that bothered us the most probably is the one on immigration, where we see that may be being balkanized by allowing the provinces perhaps too much say in that area. If you're going to take down the provincial barriers in other areas, how do you have provinces perhaps knocking heads over what type of people should be immigrating into the country?

MR. GROVER: Also, Sheldon, we advocate a strong central government but with a triple E Senate, and they must run together. Otherwise we have the same trouble we've had in the past.

MR. CHUMIR: I couldn't agree more.
I was wondering about one specific area that I've been asking about with some regularity, ad nauseam some might say. The present medicare and social services systems are established on the basis of the federal government setting out some general principles and providing some funding, and then the provinces actually running and administering the medical systems, hospitals, and making decisions re the exact type of social services they want. There are some who say that it is important to have a minimum standard from one end of the nation to the other as a sign of being a Canadian. There are others who say that the federal government shouldn't have a voice in it at all, that it should be taken over by the provinces and they should agree or disagree as they desire with respect to what the standards should be. What would your views be on that issue of whether you want the feds to be involved in those programs?

7:20

MR. HUTTON: Well, somehow or other we should maintain some uniformity across the country. If we are to do that, of course we would have to have minimum standards, so I guess it follows that the federal people should be very much involved in that area.

MR. CHAIRMAN: Stock, then John.

MR. DAY: Mr. Chairman, a couple of questions. I'm still not sure. You're talking about the federal government, and you mentioned the present situation. In looking at the booklet, Mr. Hutton, are you saying that other than immigration, which you've mentioned, basically the status quo is more or less the way you see it?

MR. HUTTON: More or less.

MR. DAY: Okay. So you're not looking at major shifts, then, other than you did touch on the particular area of immigration.

MR. HUTTON: In the division of powers we weren't looking at a major shift.

MR. DAY: Okay. Thanks.
Also on the immigration one, with Quebec right now having, as some people would perceive it, more say in immigration matters than other provinces, would you want to see it stay that way, or do you feel that other provinces should have the same amount of say in immigration matters?

MR. HUTTON: Well, we've said that we see all the provinces having equal constitutional status, and I think that says it all. We think that you can't really extend powers to one province that you don't extend to others.

MR. McINNIS: The submission mentioned thinking about our options, about the possibility of the country breaking up, and you mentioned that people in Quebec should think about federal property within their boundaries. We've had a few people come forward and discuss what should happen with the national debt in that situation but not so much with federal properties. I guess we're more focused on debt than we are on our assets at the moment. Is there anything specific you had in mind? What were you thinking in terms of what message we should be conveying to Quebec about federal properties within their boundaries?

MR. HUTTON: Well, certainly the federal properties are an asset, and they belong to all of the Canadian people. We should be talking with them about the liabilities and the assets and the whole economic picture: what the ultimate outcome will be if they separate and what their position will be. I don't think you can make an intelligent choice unless you know what all the options are, what the facts are.

MR. McINNIS: Were there any specific assets or properties you had in mind?

MR. HUTTON: Well, in every province there are all sorts of federal facilities – federal buildings, federal land – that really belong to the country as a whole. These things should have a value placed on them so that we know how much of an asset they are to the Canadian people and, on the opposite hand, how much of a liability they would be to any province wishing to separate and keep them as an asset of theirs.

MR. McINNIS: So what you're saying is that these things should be discussed.

MR. HUTTON: That's right. They should be discussed.

MR. CHAIRMAN: Sheldon wants to come back in with a short question.

MR. CHUMIR: I think there's a very pertinent question that we asked earlier in the day of one individual, and I'd like your response if we could. This individual who was in favour of equality for the provinces and as a result was opposed to conferring distinct society status on Quebec in a way which would give it unequal powers at the same time favoured the triple E Senate. The question is: would you be prepared to trade the triple E Senate for the distinct society, which would provide some form of inequality?

MR. HUTTON: Unless there's something about the term distinct society that runs deeper than what we hear in the document tabled yesterday, if it applies only to control of culture and language and civil law, it seems that they wouldn't be getting anything greater than what they've had for a number of years, going way back. On those terms it would be certainly acceptable to myself. If it were to diminish or decrease the rights of the individual which are enshrined in the Charter, then I think we would have an objection.

MR. CHAIRMAN: Thank you very much.

On the triple E concept we've had a new proposal from the federal government, and it goes quite a long way to meeting the triple E concept. Of the three Es, elected is agreed upon. The method and all that we can obviously negotiate, how the Senators will be elected. The second one is the effective E, and they've gone quite a long way to continuing an effective role for the Senate in the federal Parliament.

Equality is the third E in the Alberta triple E concept. They've talked about a much more equitable Senate and asked that the parliamentary committee consider two models, one of which was set out by the Macdonald royal commission a few years ago and the other, which is total equality, set out by the Canada West Foundation. I think it's fair to say that the Macdonald royal commission was something along the lines of the Bundesrat in the German Parliament, which provides smaller numbers of Senators for the smaller components and somewhat larger numbers for a larger component. If push came to shove, would you recommend that we as a government support a modified equitable Senate or would you urge us to stick to our guns on the equal E?

MR. HUTTON: I think we would urge you to stick to your guns on the equal.

MR. GROVER: Also, Mr. Horsman, I don't agree with you entirely that they're presenting an effective Senate. I haven't read the document, but just from what I heard, in my opinion it's not as effective as it was. I mean, they've granted powers such as appointing the governor of the Bank of Canada, which is, to put it mildly, a big deal. I don't really know in what way they've given more powers to the Senate than what they had before.

MR. CHAIRMAN: I'm not suggesting that they've given more powers, but in many respects they've provided a much more effective Senate than we anticipated they might be coming forward with, and that's still open for negotiation. I want to make it absolutely clear that the effective E that they're proposing is not one that we've said we're going to agree to, but it is in many respects much more effective than we anticipated they would come forward with, quite a bit more.

MR. HUTTON: Sort of a good place to start.

MR. CHAIRMAN: Yeah. That's a good term: a good place to start. That term has been used a number of times in terms of people's comments. In any event, we'll listen to your advice about hanging tough on the equal E. Thank you.

Thank you both very much and your colleagues and friends that got together with you and thought this thing through. We appreciate very much that you've come forward.

MR. HUTTON: Thanks for the opportunity.

MR. CHAIRMAN: The Johnsons are not able to come, but Brian Heidecker will come in their place.

MR. HEIDECKER: Is this name tag for you folks to read or for me to remember who I am?

MR. CHAIRMAN: No. Turn it around so you can remember your name, Brian. That's what it's there for.

7:30

MR. HEIDECKER: Okay.

Thank you, members of the panel. My name is Brian Heidecker, and I'm from Coronation. I think what I'd like to discuss with you this evening is constitutional reform, and in that regard I'd like to focus on institutional reform. The two main institutions that are on the top of the list are the reform of the Senate and reform of the Bank of Canada. In response to your questions, I think two and a half Es is two and a half Es more than we had a few weeks ago, and if push comes to shove, let's take it before it disappears.

I think I would like to spend my allotted time with respect to reforms that have been proposed to the Bank of Canada. Just so that nobody's under any illusions, I am a director of the Bank of Canada. I'm the Alberta director and have been for the past six years. So I have seen the proposed changes prior to today. As a matter of fact, I think a lot of them might have even originated in this province.

I think what I would like to point out to you are some of the realities of the Bank of Canada and the impact of some of the recommendations that have been proposed. If one looks at the communiqué coming out of the recent Premiers' Conference, it said in essence: the Premiers are agreed that interest rates and our dollar are too high; the impact of these high interest rates and exchange rates on our economic competitiveness requires a greater provincial role in the formulation of monetary policy, and as such, the Bank of Canada should be reformed. I think I could add to that that generally speaking, when the Premiers are talking about reform of the Bank of Canada, they seem to focus mainly on the appointment of directors on a regional basis, and it seems to stop there.

I guess I would like to point out that there are a number of things that go on, and certainly communications to and from the Bank of Canada would not rate highly if one were to be marked by one's teacher or professor. I can assure you that there are some things that have been undertaken in recent months to improve upon that, but it seems that the public's opinion is that it's a people problem: the directors are not representing their regions, or the governor does not listen, and so on and so forth. I think this extreme focus on who has got their hands on the levers there is focusing in the wrong place. I think you have to back up one step and look at the mandate of the Bank of Canada, what sort of an institution it is – what is it designed to do; what is it intended to do? – and after you've looked at that, then look at who has their hand on the lever.

I think if we were to look at the proposal that was put forward by the federal government yesterday, it goes a long ways to addressing the concerns of the provinces and certainly of many of the other federal institutions and citizens of the country.

The first thing they're proposing to do is open up the Bank of Canada and clearly identify what is the mandate – what is the organization supposed to do; what can it do? – and then proceed from there. I think I would recommend that you take a long, hard look at that when formulating your provincial position.

The second thing they want to do is in fact legislate what has been convention from day one of the Bank of Canada in 1936, and that is to put into the Act that the directors shall be appointed on a regional basis. That has been a fact since 1936, the origination of the bank, but it does not appear anywhere at all. So it's proposed to put that in. With respect to the directors, it's now proposed that the provincial and territorial governments will be consulted, names put forward, and then the process continue on from there. I think that certainly is an improvement over the current process.

Last but not least is the fact that the governor of the Bank of Canada is appointed for seven-year terms. In the future he would be subject to confirmation by the Senate, very similar to the U.S. situation, and that is a new spin that is being proposed here. But I think you need to step back and look into the current Bank of Canada Act to understand that the provinces would have considerably more influence on that than meets the eye. The Act currently gives the 12 outside directors – and they're allocated: two from Quebec, two from Ontario, and one from each of the other provinces – the power to set up a special committee for the sole purpose of recruiting and finding a new governor in consultation with the Finance minister. So if in fact the provinces have the opportunity to put the names of the directors forward in the first place and then the Senate being elected on a provincial basis – some form of triple E or something of that nature – I think this goes a long, long ways to giving the provinces considerably more influence in the policies of the bank and certainly in the people that are there.

So I guess what I'm saying is that I think you should give very strong consideration to supporting the proposals for the reform of the Bank of Canada as put forward in the paper.

Thank you.

MR. CHAIRMAN: Thank you very much. Well, it's very helpful to have a director of the Bank of Canada come and talk to us. Most people have never even seen one, let alone had the chance to talk to one.

MR. HEIDECKER: Thanks, Jim.

MR. CHAIRMAN: If you think politicians are remote from the people, how about the directors of the Bank of Canada? Not you, of course, Brian, but . . .

Any questions or comments from my colleagues? Yes.

MS BARRETT: Brian, I can't find it yet in the document, but I remember reading that . . .

MR. HEIDECKER: The top of page 33.

MS BARRETT: Okay. Thanks. Well, this guy helped write the document; he's got a real advantage here. Plus we've been in hearings.

MR. HEIDECKER: No. I didn't help write the document. I helped prepare the words.

MS BARRETT: Yeah; okay. All right. I found in here that there was a reference at any point to the Bank of Canada in this proposal needing to make inflation-fighting its primary goal. In other words . . .

MR. HEIDECKER: Price stability.

MS BARRETT: That was it: price stability. Yeah. Now, what do you think about having a specific mandate like that put right into the constitutional rules of the Bank of Canada?

MR. HEIDECKER: I think it's excellent.

MS BARRETT: You do, eh?

MR. HEIDECKER: Yes.

MS BARRETT: Why?

MR. HEIDECKER: Because I think that one of the problems we face on a continual basis is that everybody has an opinion as to what the bank should be doing. Little do they recognize that the bank's powers to do many of the things that they're suggesting are somewhere between nil and zero. If there's one industry that operates on a global basis and has operated on a global basis for many, many years, it's the financial industry and the central banking industry. When we sit down in a board meeting, we always start on the international scene and move back to the national scene and into the provincial scene. We never, ever start the other way around. It's just the nature of the business, and by putting in the Act very specifically that the bank is to deal with price stability, then that would get an awful lot of people off our backs and I think remove a lot of aspirations that people seem to think that central banks can do which, in fact, they cannot do.

I can get into a whole range of them, but exchange rates are the one . . . I mean, everybody wants the bank to move the exchange rate. Well, the ability of a central bank to affect the exchange rate is very, very limited.

MS BARRETT: I understand that. Well, maybe this is off target here, and if it is, maybe I'll talk to you privately at the end of the meeting. I make no secret about being very unhappy about what the Bank of Canada has been doing for a long time, and I don't just talk about the Mulroney government. I go back to when John Turner was Finance minister and what Gerald Bouey was doing. I am an economist, and I have some very, very hard feelings about this. Would you say to me that you are in agreement with their so-called price stability pursuits in the maintenance of interest rates at the level that they have been in the last few years?

MR. HEIDECKER: Yes.

MS BARRETT: You would. Okay. Maybe I'll visit with you afterwards, because I think we're going to go head to head over this one, but it's totally irrelevant to what we're mainly dealing with here.

MR. HEIDECKER: Oh, I can sense a good debate. You're going to lose though.

MS BARRETT: I don't know.

MR. CHAIRMAN: In any event, I appreciate that.
John, did you wish to get in too?

MR. McINNIS: I'm on the same point to some degree. It seems to me that when we talk about putting price stability into the Act, the Act you're talking about is the Constitution of Canada not the Bank of Canada Act.

MR. HEIDECKER: No. The proposal in the constitutional proposal is to amend the preamble to the Bank of Canada Act to clearly lay out and clearly identify that the purpose of the bank is price stability. There is a very long-winded preamble to the Act which confuses everybody, and as a result of that, a lot of people seem to think that the central bank has power to do a lot of things and responsibility to do a lot of things that they simply do not.

7:40

MR. McINNIS: So this has nothing to do with the Constitution of Canada; this is purely a statute of the federal Parliament.

MR. HEIDECKER: That's right, but it is part and parcel of the constitutional proposal. As Albertans we've had an awful lot to say with respect to Bank of Canada policies, as have other provinces, and this is one of the few opportunities we will have to have influence on it and, more importantly, to put a stronger measure of influence with the provincial governments and the regions.

MR. McINNIS: Well, it seems to me that what's being suggested is essentially the monetary policy of the present government becoming the raison d'être of the Bank of Canada. I sense that you want to argue that point, and I'll certainly give you the chance to do that, but the monetary policy that's been pursued, which is essentially keeping Canadian interest rates that much higher than the American market, has been pursued because of a desire for price stability. I can't quarrel with their right to do that so long as it's in a statute that might be changed if the government changed, but if the proposal was to put that in the Constitution of the country, then I think we would have a major quarrel.

MR. HEIDECKER: No.

MR. McINNIS: Okay.

MR. CHAIRMAN: Stock.

MR. DAY: Mr. Chairman, to Brian. Maybe the question is more on mechanics than anything, Brian. To help my understanding and maybe the folks in the room here, when you say that you're Alberta's representative or coming from the region of Alberta as a director – and I'm not saying this to again encourage debate; it's an honest mechanical question – how do you as an Alberta representative reconcile the fact that when the government of Alberta is not in agreement with a higher interest rate policy, as it has been over the last couple of years, yet you say that you endorse it? Are you there to represent the views of Albertans or are you there to represent the view of the bank or . . . Just kind of help us with that – understanding your role, I guess – just so you don't knock too many heads on the way out of here.

MR. HEIDECKER: Okay. No. What one does when you're working on a board of directors on that, you put your best foot forward, you put your best argument forward. At the end of the discussion a decision is made. If you want to continue working with that group, you cannot simply be running around and saying, "Well, I agreed with them this day, but on this particular day I didn't." I think that as a director, you put the best information forward, and secondly, you try to go back and explain in the province. I have done that to a far greater degree than any of my predecessors. I organize a meeting in Calgary and a meeting in Edmonton each year where we access upwards of 300 people and we try to explain what's going on. It's a very, very difficult and very contentious issue, but when I say that I am in agreement, I'm in basic agreement with the direction; I totally disagree with the level. As a matter of fact, Mr. Crow just said, "Well, I know where you're at, so I sometimes I don't have to bother asking you because you're on the suggestion that the rates should be lower." That is, I guess, a long-winded answer to a very contentious and difficult issue.

MR. CHUMIR: I think you've just made the point that one can disagree with the level of interest rates and what is the appropriate mechanism and still agree that the central bank should be protecting price stability. I must say that although I'm a noneconomist, all my common sense tells me that's exactly what the central bank should be doing. I think that's what the German Bundesbank does. But with that might I ask: in terms of being an Alberta director, how are the appointments made at the present time and what types of qualification would one be seeking?

MR. HEIDECKER: Well, the process is an order in council appointment. What qualifications do we have? The Act states that the outside directors shall be qualified individuals from a diverse group of backgrounds. I am the first and the only farmer ever to be on the board of the Bank of Canada. We have individuals from a wide, wide range of occupations: tax lawyers through real estate developers, business people of various sorts, labour representatives from time to time. What it is is a typical corporate board. We run a very large corporation: we have 2,600 employees; we have a $200 million a year operating budget; we had a $2.4 billion profit last year. We're running a very large corporation, so we want a very extensive network of contacts throughout the country, and we are the eyes and the ears of the bank within our respective communities. We report in as to what's going on in our provinces. We comment on what impact policies may or may not have and a lot of the intangibles. I mean, in terms of statistics, we've got statistics coming out our ears. We help a lot in the interpretation of those statistics. So there are no set qualifications other than that you need to be open, receptive, and able to think.

MS BARRETT: How frequently do you meet?

MR. HEIDECKER: The board meets nine or 10 times a year. We've had a number of reforms in recent months, and the full executive meets one time in between each board meeting. In addition to that, the Act requires that there be an executive meeting each Friday that the board is not convened. On the remaining Fridays one member of the executive meets with the governor or the senior deputy governor and the Deputy Minister of Finance. So there's an awful lot of input.

MR. CHUMIR: Would you happen to know offhand: how does the United States get their regional representation on the federal reserve board? I know they do have it in some way.

MR. HEIDECKER: Yes. The federal reserve system in the U.S. is split into 12 districts. It's very difficult to make direct comparisons between the Canadian system and the U.S. system because the district reserve banks' principal business is the clearing of cheques. They have something in the order of 16,000 banks in the States. Interstate banking is not allowed. So here where you write out a cheque on the Bank of Commerce in Vancouver payable to somebody in Halifax, it clears through the internal system. In the U.S. that's not the case. So their principal function is to clear cheques and also to process notes. Just to give you an example, we will process 7,000 tonnes of paper notes this year within our system in Canada, so if you multiply that tenfold for the U.S., you'll get some magnitude of the industrial side of the operation.

However, their system is that they have presidents and chairmen of the district reserve banks who come together on the federal reserve board. They have what is called an open-market committee whereby five of the 12 presidents are voting members of the committee; the other seven get to watch. They meet approximately eight times a year in setting up their policies. So it's really not all that different than our board, but they do have a good information disseminating system there. The rap on the district federal reserve board – surprise, surprise – is that they spend all their time peddling the Washington line out in the regions. So it's not without its comments also.

MR. CHAIRMAN: Thank you, Brian. I'm sure we're all familiar in this part of the country about the early farming days when the farmer taking his wagonload of grain to the elevator found himself in a terrible rainstorm. His axle broke on his wagon, and as he was trying to fix it, his team ran away in the midst of this terrible lightning and thunderstorm and hail. As soon as the team ran away, he looked up in the sky and said, "Goddamn the CPR." Nowadays what we say is, "Goddamn the Bank of Canada." So you've become the lightning rod in some respects for concerns, but we do appreciate your coming forward and giving us your views and your insight. Thank you.

MR. HEIDECKER: Thank you.

MR. CHAIRMAN: Don Brinton. Good evening.

MR. BRINTON: Hon. members, going from the director of the bank to your average local citizen, my background is: I live in Hanna; I work in the area of technology. I've worked in other parts of Canada, and I've worked with international companies, national companies, and now a provincial company. I have a small report that I have made up. I'll be reading through it and explaining my views at the time. Of course, being an individual I have the luxury of being quite direct in my ideas, and certainly in government you have the press hounding you. Some of my views are very direct. I promise to make my concerns direct and brief. If for nothing else, as with most average working middle-class citizens, I have limited time to dwell on this.

7:50

It is not that the subject of Canada's direction is a low priority, but I do believe the various governments of our country fail to realize that most of us are still fighting for some form of survival. We may have the house and belongings associated with the good living, but that is a result of the credit and loan systems available. Like never before both the wife and husband must have good but busy careers and life-styles to support our life. I'm sure I speak for the average person in Canada when I say that it is hard to understand why we have such a crisis in Canada when we are too busy to pay much attention to all this. We are either hounding ourselves with the competitiveness at work and trying to keep up with the computers or just trying to get the golf score down. It is no wonder that characters in soap operas have so many problems: they never work and they have too much money.

I'm not being rednecked; like the average person, I am honest. Most of our problems seem petty compared to the real world problems, like debt and competitiveness in this ever-changing business world. What I'm really referring to is the fact that in my travels across Canada, including Quebec, and my contact with fellow people in my situation I think there's quite a common bond which is unbreakable, and to me it seems the press and the regional governments have created more of an isolation than the actual local citizens would like to feel out. Most of them are still dealing with their business problems, and they're dealing with their home problems.

The Meech Lake accord should have been relocated in New Orleans. I say this because it is a small area with traditional French and Spanish – Creoles – which resembles Quebec; Cajun, which resembles our east coast; and wealthy Americans, which resembles Ontario or perhaps Alberta. In addition to this, there is the black issue. Yet this area is very prosperous and very proud of its culture. That's a kind of humorous side of things. I happen to have just come back from a vacation there, and it really impressed me that such a small area could abide. Perhaps it's because we have the luxury of too much geography, but we seem to want to isolate.

I would like to grant Quebec its right to cultural sovereignty, but every relationship has to be a win-win situation, and every province must be granted the same rights. Albertans are at a disadvantage when seeking a career with such entities as the federal government because the vast majority of Albertans find it very difficult to acquire the French language fluently. Like many of us, I have taken high school French and even followed it up with a night course. I don't use it enough to have polished it up, and I have been at a disadvantage when I've worked with every national company I've been involved with. I'm not allowed to do business with Quebec; the companies I've dealt with insist that any interfacing be done in French. I have no qualms with that, but if this is the shape of the future, then Alberta has put its business and employment in a disadvantage until we develop bilingual people, and either we re-engineer our relationship with the federal government to protect our access to it or we re-engineer our educational system to develop people who are truly bilingual. The latter might be more beneficial. It would mean all schooling would be bilingual from kindergarten up instead of just having French courses.

Provincially we don't need bilingualism. I find that with the technical companies I've dealt with internationally, English is a very standard language in Europe and other areas. If the current agenda on the Constitution goes ahead with the ideas towards Quebec and the federal government, its outlook towards bilingualism, I believe that Alberta's citizens are at a disadvantage politically and otherwise to access our democratic system, our government, because we're not properly brought up with bilingualism unless we have a French background. I think most of us are in that situation. I know where I grew up, in Vegreville, Don Mazankowski was our MP, and I don't believe

Don has yet acquired the French language, which puts him at a disadvantage.

The Charter of Rights should apply between governments and individuals, and the notwithstanding clause should be revoked. I believe there is no reason for any government to override a basic charter of human rights. I also believe that our social systems should remain standardized across Canada, as they are now. It encourages people at work to feel comfortable about moving around Canada.

Along the same lines, I do not believe it is in the best interests of Canada to remain in the British Commonwealth. We are not British; we are Canadians. I want all Canadians of all backgrounds to acknowledge this new world as Canadian. I do not want them feeling any different because they are not of British descent. Perhaps it's part of the problem. I myself do not associate myself as British even though I am of British descent. I would prefer to be thought of as Canadian, and I think that is a healthier outlook for everybody, including our Quebecois.

If Quebec does insist on special privileges which put other provinces and groups at an unfair advantage economically or politically, or if Quebec simply chooses to bow out, then a regional economic association would be best. I do not believe it would be a drastic step. We should still maintain mobility and a common economic bond, such as Europe has focused on. Most of us would not really notice the difference except for the squawks from the federal bureaucrats. I simply do not feel we should be held hostage to other groups' threats. If some sort of separation is what they wish, then we should plan for it and work it out. Of course, this means breakdowns of all sorts in our federal systems. We would need an EEC-style system to sort out such concerns as agriculture and transportation.

Concerning the native issues, it is unfortunate the natives were not involved or burdened with the responsibilities of governing this nation earlier. The reason, of course, is that they operated a primitive society. They did not populate the land as European natives did, so they did not develop such advanced systems of society. Most Canadians do dream of getting back to nature and have also quested for the roots of their background. I believe that the North American natives are not alone in their interests, but we can't, nor can they, hang on if they wish to have any part of the future world.

I would like to settle their land claims that they have, based on the archaic treaties, once and for all, but I would also like them to be proud and responsible Canadians. Unfortunately, issues such as this one are too hot for the government to handle properly because of publicity, and perhaps some sort of plebiscite involving public opinion or whatever would be better. It is a mess that can only get worse. The current federal government offer, which just recently came out, to allow them part of the government, has not even been fully explained, and Elijah Harper has already condemned it. His point of view concerning what Quebec is trying for and what the natives will receive is understandable, but he is fighting a geographical battle. The natives are not a unified province or voice. They have not blended into the Canadian mosaic like most of us would like them to do, but they have not unified and presented themselves properly. I don't think any of us really know how to handle the native issue. The idea of offering them several seats in the House, in the government or whatever, is still – I have not heard anybody work it out.

The Senate is no longer useful and should be abandoned. It was once necessary because democracy is weak during a country's infancy and when the general public are misinformed and uneducated. The House of sober second thought was necessary then. The GST fiasco in 1990 proved the Senate is useless for that part of its purpose. The research or whatever else they do can surely be handled without them. If we had a triple E Senate, the government would not be able to operate. It would be very difficult to pass anything through both Houses. I understand the idea of a triple E Senate bringing more of a voice from the areas which are unpopulated, including Alberta, compared to Ontario, but I can't see anything moving through government efficiently with both Houses operating like that.

I am pleased that the Alberta government has opened itself for input from the public. It encourages the general public to ponder the situation. On the other hand, politicians do have a tendency to become overdramatic with such issues because that is their job. This is not different from any other relationship, personal or otherwise, which is always growing. If we look at the Soviet republics at this time, we can see some of the problems of a separate Quebec. Yugoslavia and Georgia thought they had accomplished something with their independence until their smaller groups started to voice their discontent. We've got to work together towards the big picture, but the key word is "together." The big picture should not be under the control of one of the smaller groups.

Thank you for your time.

MR. CHAIRMAN: Thank you very much, Don, for your presentation and for the thought you put into it.

Just one point you made in your last paragraph. I can assure you that none of us around the table want to overdramatize this issue because it's our job. I think we all recognize the point that you made in your first paragraph or two, and that is that the real concerns of the average citizen are economic and related to job opportunities and the ability to raise their families and so on. Most of us feel that should be the job governments are striving to do rather than to engage in endless rounds of constitutional discussion. You make a good point, but I just wanted to assure you, though, that we have to do it whether we like it or not.

8:00

MR. BRINTON: Actually, at the provincial level I don't think there is that sort of feeling. I just find that in federal politics, partly perhaps the press itself. When the Meech Lake accord was going on, there were times almost beyond reason. It was almost too hot to handle.

MR. CHAIRMAN: Yeah. That week in June when everybody should have been out gardening or playing golf or something, they were watching television.

Yes, John.

MR. McINNIS: Don, you mentioned New Orleans as an example of a multicultural society that appears to work in the sense that they're harmonious, fairly prosperous. I wondered – not having been to New Orleans; I'd certainly like to go there sometime – if you came away with any impression of where we might have gone wrong, or if there's some insight you may have gained, further to what you've said already, in your travels that might help us out.

MR. BRINTON: Well, that's a good question. If you look at the history of their area, they have gone through the problems that perhaps we've gone through with the black issue. From what I understood, when the Cajuns first arrived, they were not accepted by the original French. Perhaps they've already gone through all their growing pains. I myself just feel that what they've achieved right now is a strong sense of pride in their culture, and perhaps it's that there's no real dominance from any group. The government is a noncoloured identity, whereas in our country we tend to almost perceive the government as being more of an English government and Quebec as being a separate entity.

I just feel that the different people I've met from different cultures all presented themselves as American and that this is their country. That's why I also feel that the idea of being connected to the British Commonwealth, when you look at a country like Canada, which is so diverse, is almost outdated. It itself to me presents the wrong impression to people. That perhaps is the one thing I did learn from there: that we can no longer just be a part of the British Commonwealth. We are a country that's diverse.

MR. McINNIS: Just to kind of shift the ground ever so slightly, you'd probably say that New Orleans is a very distinctive type of culture. Did you have a position on the use of a distinct society clause in our Constitution dealing with Quebec?

MR. BRINTON: Well, as I understand it, I'm willing to accept it, but I also believe it shouldn't entitle them to privileges above others. I do believe that every province in a sense is a distinct society. From my experience in the maritimes, I think they are. The cultural aspects: I accept them, but I had a problem when they were forcing, for example, advertising to be French only. To me that bridged the basic Charter of Rights.

MR. McINNIS: Although I would say, with respect, that's probably near the core of the issue; the ability of the Quebec government to legislate the sign law I think is at the core of the distinct society debate.

MR. BRINTON: Right. In that sense I do have a problem with it, because I think it is breaking down the mobility of people to move around Canada. I think culture should naturally grow, and it shouldn't have to be forced. I think they fail to recognize that most of us already realize it's a distinct society, and I don't think it's anybody's wish to discriminate against them.

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. Don, I appreciate your sense of public responsibility in coming forward with your presentation. You noted that you believe the social system should be the same or similar across the country because it encourages mobility. We're wrestling with different visions of the country. I'm wondering whether or not you would be in favour of a strong central government which would have some role as the catalyst. When you say they're the same, there are different ways of getting the similarity. Would you prefer to have the federal government in there setting some standards for medicare and social services, or do you feel these should be shifted to the provincial level and decentralized to some extent?

MR. BRINTON: Well, I would like to see Canada, first off, remain together. If such, I do believe prosperity should be shared, including health systems. I believe that we want to encourage national unity with free trade. We want to break down the provincial barriers with businesses, and we want someone to feel encouraged to start a business up wherever they wish in Canada, wherever it's prosperous or advantageous for them. I do believe that having more of a common medicare system or whatever is in the best interests of our families as they spread out across Canada.

MR. CHUMIR: Should this be accomplished through federal government standards? Or do you subscribe to the theory: let's get the provinces doing these things; that is, decentralized to some extent?

MR. BRINTON: I'm not really sure what would be best. I hate to build up a gigantic federal system, but at the same time I think it is better handled at a federal level.

MR. CHUMIR: Sure. Perhaps I'd just intercede to say that the system now is that basic principles are established by the federal government with some funding. It's all operated now by the provinces, and that would continue. No one has suggested that would change. The real issue is whether the federal government will be forced out of the few principles that it establishes. That's where the battleground is.

MR. BRINTON: Okay. I actually am not really in favour of that. I would like to see the federal government still maintain that part of it.

MR. CHUMIR: Okay.

Would it be possible just to ask one other thing? You tantalizingly raised some clouds or raised some question with respect to the way we're approaching the native Indian issue. I'm wondering if perhaps you might elaborate on your concerns in that regard.

MR. BRINTON: Actually, it's not so much the way you're handling it; it's the way it's being handled in general. I don't think anyone in North America knows really how to handle it. From my knowledge, it hasn't really come up in the United States as much as Canada. In Canada it's, I think, a very hot issue everywhere. I've listened to all sorts of programs, to Peter Gzowski and everybody else, and I find that no one really has an idea of how to handle it other than to keep giving and giving and giving. My view is that in today's world that is growing, we can't be leaving people behind as we've left the natives behind. We left them behind from day one. We never involved them in our system. I find we have to bring them up to speed somehow. One of the good things, I believe, in the provincial government: we offer all sorts of education incentives and ideas like that. I don't know what else we can do, but I'm not in favour of just giving. I'd like to see them become more responsible and catch up to the times.

MR. CHAIRMAN: Stock Day. Gary Severtson.

MR. DAY: Thanks, Mr. Chairman. Don, just as an aside. I haven't been in New Orleans, but I don't dispute what you saw down there and your appreciation for the life that was being lived down there. I'm always excited, I guess, by the fact that a group of people as diverse as those people down in that particular state can live and apparently be happy with no social charter, with no federal minimum standards in their social programs, no health care system, yet they do seem to be fairly happy people. I'm always intrigued by that. The Cajuns, of course, – Cajun being a slang word for Acadian – originally from the maritimes, getting booted out and moving down there: even they seem to be a happy people down there. I'm not quite as skillful as Sheldon in manoeuvring a witness to my position, so I just want to be blunt with you. I want you to help me understand something, because I honestly struggle with it. As legislators we're going to have to take this pool of thought we're getting from Albertans and try to say what the Alberta consensus is on any number of issues, so help me understand the question which Sheldon often approaches: provincial governments versus a strong federal government, centralization versus decentralization.

You mentioned that we don't need bilingualism but that it's a fact, it's there, and we should work towards it. We recognize that most Albertans, most Canadians seem to have a problem with official bilingualism, which is a federal creation. You talked about the fact that we in Canada like to isolate ourselves in ethnic groups, and unfortunately that seems to happen. That flows from a federal policy of multiculturalism which provinces have dutifully followed. You talked about squawks from federal bureaucrats if we try and move in a certain direction. You mentioned the native Indian situation; there's probably not a more colossal, dismal failure in that whole area – social life, education, everything else – and it's been entirely the feds handling that. Of course, the federal debt that we've got is of immense proportions.

So in light of the string of what many of us identify as major national policy disasters, where do people then get faith in the federal government controlling us? I'm asking that sincerely, struggling with how we approach this.

8:10

MR. BRINTON: I understand what you're saying. I kind of went back and forth, because the future of Canada seems to hinge a lot on what Quebec is planning. If we did go to a more regional system, we definitely would be withdrawing from the federal government. In the meantime, if Quebec stays in and we work this whole thing out, I still see the federal government as being a very large power base. If we were to withdraw a lot of that power regarding native issues and everything else, I think we would still have to have a lot of contact through first ministers or whatever to ensure that there is some sort of standard, because of course it could create quite an imbalance, I think, if one province did this with a native issue or whatever and another one did that. I'm not sure. Is that what you were more or less questioning? Should we withdraw from the government and handle the native issues and everything purely ourselves?

MR. DAY: No, no. In light of what most Canadians see as problems – some see them as federal policy disasters, which I've mentioned – some people still ask that it be the feds that have the hammer, as it were, over the provinces. Just let me simplify it. The way things are now, Don, are you more or less satisfied with the status quo in terms of division of powers, or do you think there needs to be a major shift either to the federal government or to the provincial governments? Are you more or less satisfied with the status quo?

MR. BRINTON: Yes, I am more or less satisfied with the status quo. I am not that satisfied with our federal government in a lot of aspects, but I do understand the situation they're in. Our debt and everything is something that has been carrying on for decades. But I am quite satisfied. I don't really see it working any better in other ways, especially with the international world and the way the business world is going in an international sense. I still believe the division of power is best where it is.

MR. DAY: Thanks.

MR. CHAIRMAN: Pam Barrett.
I'm sorry, Gary.

MR. SEVERTSON: Go ahead, Pam.

MS BARRETT: Don, did you read any newspaper coverage today of the proposals from yesterday's document tabled in the House?

MR. BRINTON: I did scan through it.

MS BARRETT: Okay; good. I think you referred to this sort of free trade between provinces and were supportive of it. The section in which that is proposed talks about a whole lot of other stuff that I've been wont to call applehood and mother pie in the past, but the one thing I find missing is a balancing commitment. The only reason I thought about it is because you were saying: jeez, we need social programs, the basic stuff, as a federally directed series of programs in order to ensure mobility. Do you have a problem with the fact that there's no reference to that in these proposed changes? In other words, there's the recognition that they want the free flow of people, goods, services, and capital throughout Canada but no counterbalancing in terms of a commitment in the Constitution to basic social programs. Does that sit easy with you?

MR. BRINTON: No, it doesn't, and I have not understood it as well as you have.

MS BARRETT: That's why. Yeah.

MR. BRINTON: No, I'm not happy with that. There are a lot of problems in general, I think, even in business. With interprovincial barriers breaking down, I can see some business going east. On the other hand, with Alberta's energy rates and everything else, it is very enticing for business to come here, so I can see us benefitting. But if that's what they're reading into it, I don't agree with it. I've encountered a lot of families who have more or less been forced into moving. It's a big enough country and there's enough isolation. It's difficult enough without having to face changes in social systems.

MS BARRETT: Thanks.

MR. CHAIRMAN: Thank you very much, Don. I hope you don't feel you've had philosophical armies marching over and across your body and back again in this exchange.

MR. SEVERTSON: Mr. Chairman.

MR. CHAIRMAN: I'm sorry, Gary.

MR. SEVERTSON: I'm having a hard time getting to ask a question tonight, Don.

You're one of the few who mentioned that we should abolish the Senate. I would say just off the top of my head that the majority of Albertans coming before us more or less agree with the triple E Senate. Is it because you feel the effective part would just hamstring the House of Commons? Or if we could define the effectiveness of the Senate in maybe having veto powers on matters that have provincial concerns and suspensive powers on federal matters, would you be in favour of a Senate like that so it wouldn't hold up the House of Commons completely? An example of provincial matters would be the NEP. A lot of people feel that if we'd had an triple E Senate at the time, that program never would have been passed. Or would you still rather see the suspension of the Senate altogether?

MR. BRINTON: I understand what you're saying. I think there has been a history, especially with the NEP, of a lot of hard feelings from Albertans regarding federal policies or what they've done. Unfortunately the Senate itself is an expensive entity, and I guess I have a hard time seeing it developing into becoming effective. The triple E is definitely a vast improvement over what is there right now, and perhaps it would work. My opinion is that it would slow government down a lot, and to me that's expensive. But I understand what you're saying; there is that aspect of it. If it works as a good filter to prevent unfair policies like that, then it would probably be worth it. My ideas on abolishing the Senate mainly are that I couldn't see it effectively filtering that without slowing the government and just becoming a burden.

MR. SEVERTSON: I agree with you the way the Senate is now.

MR. CHAIRMAN: Well, Don, that's an interesting point. Of course, those of us in our Legislature have unanimously endorsed a reformed Senate with a triple E concept. It's been the result of a long period of public hearings and public debate and so on with the concern in mind that without some balancing body, Ontario and Quebec would always make all the laws for Canada because of the numbers they have in the House of Commons. That's the underlying concern about achieving some fairness and equity and regional balance in decision-making at the centre.

We appreciate your interest and concern and thank you very much for coming this evening.

MR BRINTON: Thank you.

8:20

MR. CHAIRMAN: Thank all of you for attending. Don was our last presenter.

MR. POCOCK: We've got one more.

MR. CHAIRMAN: Oh, I'm sorry.

MR. STORCH: I do not have the prerequisite piece of folded yellow paper.

MR. CHAIRMAN: And nobody told me you were going to . . .

MR. POCOCK: I don't think we were aware that you wanted to make a presentation.

MR. STORCH: Oh, I'm sorry. That's fine. I don't really need the piece of cardboard. I can do without it, thanks.

My name is Norman Storch. I'm a farmer from the Hanna area. As I mentioned, I don't have the piece of cardboard, so if you forget my name, I do answer to "Hey you." That's what I get around home most of the time.

MR. CHAIRMAN: Well, Norman, we had asked people to fill out a form as they came in. Perhaps you didn't get that.

MR. STORCH: I think I did fill out the form.

MR. CHAIRMAN: Okay. We must have run out of yellow paper.

MR. STORCH: I guess that's what it is.

MR. CHAIRMAN: Carry on.

MR. STORCH: My presentation will be very brief. I have been getting most of my news on the constitutional debate that's been taking place in the country over the last while, particularly over the last couple of days, from Peter Gzowski over the radio in the tractor. I would have to say initially that I am a strong nationalist. To me that means believing in a strong Canada. I believe, as we seem to continually say, that our regional and cultural diversities should strengthen us, not weaken us. Of course, that's easier said than done. If in our wisdom we could somehow find a way to legislate common sense and fairness, I don't think we would be in many of the problems in this country we are in.

Just a couple of comments on process. I think the whole constitutional debate will continue to evolve and unfold over the next while. There's talk again of more committees going back and forth across the country to talk about the issue, and I suppose ultimately the only way to really solve the issue is to continue to communicate. I have a couple of concerns and cautions for the government, for the Legislature of the province of Alberta. I would suggest that this is not the time for any sort of brinkmanship. We've seen the federal government back off from its rolling of the dice and Meech Lake behind closed doors to the more open process that we're into now, and I really believe that any sort of brinkmanship, any sort of bluster would not serve Canada well at this point. I believe this whole issue of constitutional reform ultimately only makes a difference in the context of Canada remaining together. If Canada separates somehow, of course constitutions suddenly don't matter any more; we're back to square one.

In my involvement with a number of national farm organizations and knowing a number of farmers in Quebec, really what they want to hear is that the rest of Canada wants them. I found this analogy of Canada and New Orleans interesting, because one of the very significant differences, of course, is geography. We have in the U.S. a diverse population in a very small area, and you really don't have much choice but to get along over a period of time. Here in Canada we have the geography to deal with. One of the things we haven't really thought about is that maybe we need a German province and a Polish province and a French province; perhaps bringing those cultural strengths to each one of the particular regions would strengthen our country. Every culture has strengths. Every ethnic origin has particular strengths to bring forward.

So no brinkmanship, no bluster. I know that the people I talk to in Quebec want to hear Canada say that we want them to remain part of Canada. Maybe if we could just have a big collective hug, we could sort of get past this process, but we don't seem to be able to do that.

The other bit of process I'm hearing is this business about forming a federal council. I guess I'm a little concerned about that. I don't think any Canadian wants another level of bureaucracy. In the paper Mr. Mulroney brought forth, I don't know what he put in there to give away. Perhaps the federal council is one of the things he put in to trade off or whatever. An effective Senate would essentially give us a federal council, so no federal council. Gosh, we don't need another level of bureaucracy. If government in the large sense is going to appear reasonable in the eyes of the average Canadian, develop the processes we have now and make them more effective. We don't need another federal council. It's just more legalities and loopholes and more time and effort to be spent by lawyers and other people involved in that process, and we don't really need that.

I find it very interesting that Canada has the opportunity and the luxury to be involved in this ongoing discussion on the Constitution, this eternal navel gazing. The rest of the world is coming together, even eastern Europe. The Soviet parliament, when it appeared it was going to break up, disintegrate into all the various regions, determined at the last moment that because of economics the Soviet deputies had to stick together. Canada without Quebec and Quebec without the rest of Canada are weaker. Whether they could go it on their own or whether we could go it on our own doesn't really make any difference. It doesn't matter how you add it up. Ultimately Canada is weaker, and in this very competitive economic climate we are in today, we simply don't have that luxury.

This whole discussion started in a significant way 10 to 15 years ago. Those were very good economic times all across the country. We had more money than we could spend. We don't have that luxury today. It's a different climate. The fellow that presented before me was talking about the average Canadian worrying about things that matter to him and his family. I think that's really true. I think we have less of the luxury of time and of talking about the Constitution and talking about how we want the country to progress when in fact the regional economies are under some particular pressure. I wonder if people in the city of Montreal are as keen on separating from Canada now as they were when their economy was stronger. It's a different atmosphere, and we need to get on with the business of running the country. The Constitution is important, yes, but we also need to get on with the business of running the country.

Thank you.

MR. CHAIRMAN: Thank you very much for your caution to us. I think the committee has been approaching its work in a pretty calm manner, and we haven't engaged in too many philosophical or ideological disputes, at least not in public, except on the floor of the Legislature from time to time. We appreciate your caution that we not aggravate the situation in the country, and that's certainly not our intention.

Since you mentioned Peter Gzowski, you've had the advantage or otherwise of listening to him and his program, but I don't know how much awareness there is on the part of Mr. Gzowski about the existence of provincial reviews of our constitutional process. They are taking place in every province. Much attention seems to have been paid to the federal process to the exclusion of what's happening at the provincial level, particularly as reported in the national news media. I think what we're doing, though, is absolutely essential so that we as a participant in the constitutional process will be able to be there as a knowledgable and informed player about the views of Albertans. That's why we're here.

We very much appreciate your coming forward.

8:30

MR. STORCH: If Mr. Gzowski does happen to interview you, Mr. Horsman, you will be cautious, I'm sure, about moving into relaxed conversation, as our friend Mr. Fraser did the other day and got himself into trouble. Mr. Gzowski's program is very informal.

MR. CHAIRMAN: Yes, I know. "There is many a slip 'twixt the cup and the lip," as they say. Well, thank you very much for coming forward.

Oh, excuse me.

MR. BLAIR: Could I maybe have just a minute to comment on the Senate?

MR. CHAIRMAN: Certainly. What's your name?

MR. BLAIR: My name is Bob Blair. I live about 45 miles southeast of here. I've got the feeling . . .

MR. CHAIRMAN: This is being recorded for *Hansard*, so maybe you'd just like to come up and make sure that we don't lose your words, because they must be permanently inscribed, along with other Albertans', when you come before this group.

MR. BLAIR: When we were talking about the Senate, the new proposal that it would be elected and it would be more effective, there seems to be a feeling that maybe that would be so, that it would be more effective. It seems to me that the Senate we have now is appointed and dominated by the party that's in power. An elected Senate, unless it's equal, is going to be dominated by Ontario and Quebec because of their population. If, then, it's more effective, it will only be more effective in fulfilling the wishes of the dominating provinces, which in the end would really be worse for the rest of us.

MR. CHAIRMAN: That's why we want the other E, the equal E.

MR. BLAIR: Right. I think the idea that we've taken two steps and that's sure better than nothing – it seems to me it's worse if we don't get all three steps.

MR. CHAIRMAN: I don't think you have any argument with that, but the key words that the federal government used in their paper yesterday were "much more equitable." Now, they then went on to say: look at two versions of "much more equitable" Senate, one of which was set out in the Macdonald commission, which was a weighted but much, much more favourable to the smaller provinces than the current system, and the one which was recommended by the Canada West Foundation, which was total equality. Those are the two models that they suggested be looked at, and even with the one in the Macdonald report, which we'll have to dust off and remember again . . .

MS BARRETT: I do remember it; oh yeah. It had the key to free trade, as I recall.

MR. CHAIRMAN: Leaving aside that issue, it was a much more equitable Senate than the one we have today in terms of the population and representation of the provinces. But you may rest assured that we accept your caution with a great deal of sincerity.

MR. BLAIR: Thanks. I had no part in the presentation that was made by Lloyd and Mr. Grover, but I heartily endorse it.

Thank you very much.

MR. CHAIRMAN: You liked that one. Well, that's good; thank you very much.

MR. ROSTAD: I think you should, any of you, get a copy of yesterday's paper from Shirley.

MR. CHAIRMAN: Well, we're going to adjourn and fly back to Edmonton, tomorrow to Wainwright, on Friday an all-day – morning, afternoon, and evening – hearings session in Edmonton, and we will then conclude the public hearing process. I can tell you that from having been at this now for a few weeks in all parts of the province, I very much appreciate the considered and heartfelt views of the residents of this part of the province. I am certainly glad that your MLA, Shirley, and the other presenters from this district urged us to come and visit with you today. It's been very enlightening to us, and it's always nice to get close to home in Medicine Hat.

MRS. McCLELLAN: Mr. Chairman, could I just, in closing, thank you for coming again, as I did in my opening comments, and giving this area of the province the opportunity to be heard by the committee. I think by the presentations you've had today, there's no doubt in your mind the sincerity in their wishes to be a part of the decision-making process that we're going through on this important topic.

MR. CHAIRMAN: Thanks a lot, Shirley.

MRS. McCLELLAN: I hope you have a safe journey home.

[The committee adjourned at 8:35 p.m.]

4:05 p.m. **Thursday, September 26, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, if I could have your attention, please, I'd like to commence the meeting. This is a panel of half of the 16-member select committee of the Alberta Legislature which has been formed to consider constitutional reform. We have eight members of the select committee here today. We split our work into two panels of eight each, and we'd like to get under way.

First of all, my name is Jim Horsman. I'm the member of the Legislature for Medicine Hat and the chairman of the select committee. I'd like my colleagues just to quickly introduce themselves as well. Sheldon.

MR. CHUMIR: Hi. I'm Sheldon Chumir, MLA for Calgary-Buffalo. I'm pleased to be here.

MS BARRETT: I'm Pam Barrett. My riding is Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose.

MR. McINNIS: John McInnis, Edmonton-Jasper Place.

MR. DAY: Stockwell Day, Red Deer-North.

MR. SEVERTSON: Gary Severtson, Innisfail.

MS CALAHASEN: Pearl Calahasen, Lesser Slave Lake.

MR. CHAIRMAN: The gentleman to my left is Garry Pocock, and he is the secretary to the committee.

I'd like to ask our colleague, Butch Fischer, the MLA for Wainwright, to come forward and to welcome us as he is wishing to do.

MR. FISCHER: Well, thanks, Jim. I do welcome all of my colleagues down here. This is a great constituency we've got. Pam drove down, and she mentioned how pretty it was down here. I said that I've been telling her that in the Legislature for the last eight years, and she didn't know it until she drove in today.

I'd also like to welcome everyone that is making presentations here today. I know it's quite a little bit of work to put things together, and it's sometimes quite a little bit of worry. Richard came over from Provost, and I appreciate the time that he put into that. I hope that we all enjoy ourselves. We'll be short and to the point from this constituency.

MR. CHAIRMAN: Thanks very much, Butch. We all realize just how short and to the point you are in the Legislature from time to time. We appreciate your frankness.

The first presenters today are Brian Myggland and Pearl Myggland, if you'd like to come forward.

MR. FISCHER: We kind of wanted to trade around so that Richard could do his first because he has to get away back to Provost.

MR. CHAIRMAN: Okay. Fine. Richard Holmes, then, first.

MR. RICHARD HOLMES: Sorry to interrupt your schedule. We've got the RCMP Musical Ride in town, so I've got to get back and see if the police are doing the right thing.

MR. DAY: Great show. They were in Red Deer last week.

MR. RICHARD HOLMES: Yeah, that's what I understand. We're looking for a big turnout, and I want to get a chair.

MR. CHAIRMAN: Of course. Well, just have a seat right now.

MR. RICHARD HOLMES: Do I sit down?

MR. CHAIRMAN: Yeah.

MR. RICHARD HOLMES: Okay.

MR. CHAIRMAN: Just be informal and relaxed. As I've told everybody, nobody has so far bitten anybody on either side of the table, and I hope it doesn't happen here in Wainwright.

MR. RICHARD HOLMES: Okay.

First off, I guess I should be informal and say that I wish I had taken more time to prepare this. I put together just a few pages of my thoughts last night. I've been fairly busy the last week or two, and I regret not getting some deep thought on this. This is off the top of my head from last night. I'll read this pretty well, and then I'll hand a copy to the chairman, Mr. Horsman. If there are questions after, if I'm not clear, I'll try to entertain some of that.

Dated September 26, 1991, to the Alberta Select Special Committee on Constitutional Reform, province of Alberta, Wainwright and District Communiplex. My name is Richard Holmes. I'm 40 years old and reside at Provost, Alberta. I have been an Alberta resident all of my life and was pleased to be invited by my MLA, Robert Fischer, to make this presentation to the Alberta select special committee. Thank you for taking the time to hear a few of my points about the nature of living in Canada.

I do not profess to know much about Canada's Constitution but am able to make observations on rural life in this great country and how it could even be greater. I will comment on a few different points. Number one, Senate reform: I believe that an imbalance exists in Canada today according to region and that further steps should be made to implement the triple E Senate.

Number two, the Charter of Rights and Freedoms. The Charter of Rights and Freedoms has been important in Canada. However, in some situations it seems that because of technicalities more problems have arisen than had been expected. For example, in the court system, as Mr. Rostad would probably appreciate, if a small error is made, a criminal may be allowed to go free, unpunished for crimes that many know he or she has committed. The Charter of Rights will have to evolve painfully over the years before many test cases have been performed. In other words, I guess what I'm saying is: have patience on that; we're going to have to have a lot of test cases.

Number three, property rights. Property rights in the country should be included in Canada's new Constitution. As editor of a weekly newspaper in the 1980s – I still am now – I argued in opinion columns that individuals who did not have property rights are missing a fundamental right in a free and democratic nation. I still believe that property rights are essential and very important in Canada.

In the next one, number four, I talk about mother tongues and the English and French languages. Demographics in the Provost region taken from the 1986 Statistics Canada census of population obtained from Compusearch Market & Social Research Ltd. show that the mother tongue is English for over 86 percent of the population. German comes in second as a mother tongue with just over 6 percent of the population, while French shows only 1.4 percent. This is the Provost area that I'm talking about. Yet it seems that in this nation we have politicians who have spent literally millions of our tax dollars attempting to artificially induce populations to embrace and speak French in many regions of the country that simply do not wish to speak it, do not understand the language, and in fact are quite happy with their own language.

I recommend that those who have a mother tongue have the freedom to speak, display signs, or publish writings in whatever language they like, be it Chinese, Italian, English, French, or Cree. It would be up to that individual to communicate with his fellow beings, not some government proxy. To deal with the problem that a Tower of Babel could and does create in multilanguage nations and to keep costs of services down for citizens wanting to communicate with others, a second language should seriously be considered being taught across the nation. That language, as many of you are familiar with, is called Esperanto. Instead of my children taking French in school as a second language here in Alberta, they would be taught Esperanto as a credit course. Conversely, in French or Chinese communities in the country, they will continue to have the freedom to speak their mother tongue. However, students in those areas, like Albertans, would be taught the second langauge of Esperanto. Think of it. In less than a dozen years I could pick up the telephone in Provost, Alberta, and talk fluently to a person at the other end of Canada with a French language background in the common second language that we would both possess: Esperanto. You could multiply this internationally, as was first conceived by the inventor over 100 years ago. The result is quite simply more understanding, less fighting, less warfare; in short, more communication and happiness.

Number five, I want to talk a little bit about the Criminal Code. I'm no criminal lawyer but basic sense tells me that extradition laws must be streamlined. If a person is wanted, for example, on murder or arson charges in a foreign country, that person should be immediately sent back if we can reasonably believe that a fair trial will be held. That would exclude countries where obvious turmoil exists such as during wartime or revolution. An example of that, I suppose, would be Tiananmen Square a year or two ago. I couldn't see sending people back to that turmoil at that time.

I do not wish that our paid political leaders or system spend my tax dollars for months or even years supporting and feeding a wanted person from a foreign country when that country has the obligation to monetarily support him until trial. We have seen an example of what I am describing in the Ng case with a decision that was finally handed down today. As taxpayers you and I paid the brunt for this particular case, protracted over several years and brought about by someone who has probably paid no taxes in Canada nor is ever likely to. That's unfair for the rest of Canadians.

4:15

My last page, number six, will be called distinct societies. In dealing with that, I do not have a problem calling one province distinct providing there is no implication of special power or prominence in the framework of the nation. I am distinct, Mr. Chairman, just as you are. Alberta is distinct just as Quebec is. Someone will have to explain to me more what distinct society really means. If I appear to have been simplistic in my idea, if the distinct society label for Quebec or British Columbia really does have a double meaning, I would like to know what it implies before accepting it.

Number seven, native populations. The Indians, or natives of this country, were plundered and had their society nearly destroyed by the white settlers. Land compensation must be seriously addressed. Some already have been. Natives and people representing Canada with truly attentive ears must have the courage to seriously resolve outstanding problems. Too many forked tongues have spoken in the past.

Number eight, and this is coincidental to the last few words, politics. In a free country such as ours we are favoured to have an election every several years. However, in our nation it is at the whim of the leader of the party in power when to call the election. I guess this can apply provincially as well. The Prime Minister will name the date, in my opinion, only when the political winds of fortune are blowing most favourably for him or her. The United States, I understand, has a set date for elections, and everyone, not a select privileged few on the taxpayers' dole, has universal knowledge of that date. Canada's rule for that should be changed to a date set well in advance for all persons with political ambitions to use as they see fit.

That brings to mind many other ideas in the writer's mind, but I estimate that my time allotment is nearly taken up. Thank you for hearing my thoughts on the great nation of Canada. Let's make it even greater. Best wishes and good luck in your continuing deliberations. Respectfully submitted by myself, Richard Holmes.

MR. CHAIRMAN: Thank you very much, Richard, for coming over to Wainwright today from your community. I know that you want to get back. We will of course circulate this. Just have a seat if you have a few moments. All these words of wisdom are being recorded for posterity, so we need you at the microphone. The transcript will be available to anyone who wants it. I know some questions will have arisen.

Pam Barrett.

MS BARRETT: Thank you.

My question has to do with the teaching of Esperanto as everybody's second language. Can you explain to me why you think that would be advantageous?

MR. RICHARD HOLMES: Well, I think that in our nation right now there seems to be, and has probably been since the war between the French and English in Quebec, fighting over which language we're going to speak: English or French. I think that has continued to this day and will continue. I think people would be more at ease if they met at maybe more of a common ground with a second language called Esperanto. In that way, you don't have to tell the French person that he has to speak English to be out here in western Canada to operate or survive or whatever you want to call it. Consequently, if I go down to Quebec and try to work for the provincial or federal government or any institution – if I know Esperanto and the rest of the country is working in Esperanto, I see nothing but good.

It's a pipe dream, but I think that what we're here for is to talk about issues like that. It can be real if government takes it seriously and looks seriously at it. I quite frankly think it's a great idea. It was invented a hundred years ago, and it's never been seriously developed. I haven't looked into it deeply, but I suspect that it's a course that can be taught or learned at different university levels. I should have brought more information and facts on Esperanto. I'm not a fan or a large advocate of it other than it would fit into Canada's situation very neatly, I believe.

MR. CHAIRMAN: Thank you very much, Richard.
Sheldon, then John.

MR. CHUMIR: I've got a few areas that I'd like to ask about. Firstly, you gave some data on the language mix in the Provost area, with 1 percent French, and then advised that you're concerned about the requirement to speak French in certain contexts. I'm wondering if perhaps you might advise as to your experience in the Provost area and elsewhere in which individuals would be required in that area to speak French under circumstances that you think are inappropriate. What are the influences currently in that area? What's the concern? In other words, why are you concerned about it in Provost?

MR. RICHARD HOLMES: I don't think that there are individual problems or concerns. I look at it from a national point of view. Our government seems to be pouring millions and millions of dollars into learning the French language when, in reality, why shouldn't they in this part of the region come out and say: "Look; a lot of you people are of German descent. Why shouldn't we speak German and teach German?" Or if you want to look at world trade and see what's coming up on the international scene, maybe we should all be learning Japanese as a second language if we want to deal with the Pacific Rim nations.

MR. CHUMIR: You're talking, then, about the education of children, having French as a second language as opposed to any other problems there.

MR. RICHARD HOLMES: Yeah. I'm not necessarily opposed to French. I'm not down on French; don't get me wrong on that. One of my children in grade 6 is taking French for the first year. I was quite delighted and quite happy that she was, because I think that learning a second language is important. When I took French in high school, I found out it helped my English quite a lot. I could see the mechanics of the English language, and it seemed to help me a little bit that way. I hope I'm not implying that French is a second-rate language at all. I just think that the second language of Esperanto might be more useful on a coast-to-coast, national level rather than having English first and then learning French but at home grandmother speaks German.

MR. CHUMIR: One of the main themes of constitutional debate now is the degree to which we will centralize, have strong central powers, as opposed to decentralizing. The proposals in the last day or so have moved very much, I believe, into decentralizing powers to the provinces. I'm wondering what you think now as a native Albertan about the need for a strong central government role in things such as medicare and social services.

MR. RICHARD HOLMES: That's a big topic, but to give you a brief answer, I guess I'd have to say that I'm in favour of a fairly strong central government, on one hand. On the other hand, I like the idea of – I don't know if regional government is right or not. I can grab hold of Butch Fischer, my MLA, and talk to people like you and get things done on a fairly local level. I don't know if I can answer your question. I'm happy with a strong central government, but I'm happy to have some local representation as well. I don't know if that answers your question or not. I think that as a nation we've got to have a strong central government. That would be the parents and we're the children type of a thing in the world.

MR. CHUMIR: Okay. Let me just ask one really short one. You favour a triple E Senate. You're in favour of distinct society only if it doesn't have concrete impact. There is some impact in this distinct society clause, at least I believe, in terms of the interpretation of the Charter. Would you be prepared to trade a triple E Senate for distinct society with impact?

MR. RICHARD HOLMES: That's trading away principles. No.

MR. CHAIRMAN: Okay. Thank you.
Pam, you've asked your question. John, Ken, Stock, Pearl. You don't want in, Gary?

MR. SEVERTSON: I'm okay so far.

MR. McINNIS: Richard, this is a very thought-provoking presentation. We've all got questions. I'd like to thank you for taking the time to come here.

I was intrigued by your comments about property rights. You said that that's something you've written about extensively in the past. I suppose like every other homeowner, once I manage to pay the mortgage, I certainly hope that my home ownership is secure and I think most people who own property do. But we have a tremendous body of law and jurisprudence that not only protects ownership but makes certain that the various interests are looked after. I wonder if you could be specific about what led you to think that property rights should be in the Constitution, because I know a lot of people who worry about what other privileges will be bestowed upon certain property owners by the courts as time goes along. Particularly in the environmental area people are concerned that property rights may include the rights to pollute at some level or may include the rights to do certain other things on private property that we as a society don't condone.

4:25

MR. RICHARD HOLMES: I guess what brought that to the forefront was actually provincial legislation at that time, and it was called Bill 13, I recall. There was a ream, a thick manual on Bill 13 at the time, and I went on a little crusade, I guess, for a year or two. Maybe people remember that; I don't know. At that time I was wondering what sort of property rights I had as an individual when the provincial government could come out and tell me what colour to paint my barn. People would scoff at me and say, "No, we'll never do that." Well, I've looked it up in – I don't know if you call it a law book – this Bill 13. You bow down to the government if you want to paint your fence. Technically it's in there. There are some silly things in there. I was getting irritated, I guess, at that time. This was maybe 10 years ago at least. Who really owned this property? Was I just looking after it for the government and paying them taxes and they'd really call the shots when the crunch came? That's what I was excited about.

MR. McINNIS: In the Legislature we start with number 1 to number the Bills every year. Do you recall the title of Bill 13? It doesn't come to my mind.

MR. CHAIRMAN: The Planning Act.

MR. McINNIS: Oh, the Planning Act.

MR. RICHARD HOLMES: Do you remember that, Mr. Fischer?

MR. FISCHER: It was back a number of years.

MR. RICHARD HOLMES: You had somebody come out to Czar hall at that time, and I had some people come up from Calgary, and we had a little debate about it at that time. That's – what? – maybe 10 years ago, I would guess.

MR. FISCHER: Not quite that long.

MR. CHAIRMAN: In any event, it was the Planning Act.

MR. McINNIS: So your belief is that putting property rights in the Constitution might protect property owners from Planning Act type of development restriction.

MR. RICHARD HOLMES: I don't know how technical and detailed I want to get because I haven't studied this for some time now. I guess I was concerned that if I owned a quarter section of land and I wanted to put three houses on a quarter section of land if I had three kids out there, the all-being, all-knowing, powerful government in Edmonton said thou shalt not do that. My opinion was and still is that if I own the land, I'll do as I please. They said, "No, you can't do that," sitting in their ivory towers in Edmonton. That's why I'd like to see some sort of property rights enshrined in the Canadian Constitution, to allow me to build 15 houses if I want and a pig barn besides. Then we'd get into other things like smells and things with pig barns. I can appreciate things like that, and I know that's what the whole intent of this is. But when they start dictating colours of fences and colours of barns and things like that, I don't own the property at all. The government may as well come and run it themselves. I'm just sitting there paying taxes.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Okay, thank you.
I think it was Ken Rostad next.

MR. ROSTAD: Yes. I can pass because mine related to property rights. I was going to ask if you could describe, not in a legal manner but in your own words, what you thought property rights would relate to as they're put into the Charter.

MR. RICHARD HOLMES: Yeah. I don't know. I might be off base on this because I don't know what some of the federal politicians have got in mind. But I was happy to see that they're going that path anyway.

MR. ROSTAD: Well, I listened to Joe Clark this morning as he was discussing this with Peter Gzowski, and this happened to be on property rights. They specifically have not written in there in legal language because they want the various provinces or interest groups to have a discussion on it, because there are definitely some contrary views. For John's assurance it certainly was not to allow somebody to do environmental damage. That would not, in Joe Clark's view anyway, be part of the property rights. But you've done an adequate description in answering John for me to know the drift of what you think property rights relate to.

MR. RICHARD HOLMES: I can appreciate what John's getting at, because if a river goes through my property and I'm dumping chemicals in there, that's not fair game, and there's got to be some rules and things for that. I'm not saying absolute freedom; there's got to be some room. But I think our governments are taxing us to death and running our lives too much in our society today, and that's why I'm happy to see some sort of a direction on that.

MR. ROSTAD: My second item. I was going to say that the Minister of Justice federally has tabled a new extradition Act – and I'm sure Butch could get a copy of it for you – that will streamline the process so that we don't go through quite the agony we did in the past, although you must have checks and balances for somebody who might be wrongly accused and ensure that they aren't going to be sent down the pike. But Butch can get a copy of the new Act for you.

MR. RICHARD HOLMES: Okay. Thank you.

MR. CHAIRMAN: Stock, and then Pearl.

MR. DAY: Thanks, Mr. Chairman. I'm always pleased to hear somebody talk about mandated elections every four years on a set date. I had a motion on the Order Paper in the last session on that, and when it comes up next session, feel free to give your MLA a call and get his support for that type of thing. Is that something you'd like to see constitutionally enshrined? You'd like to see that in the Constitution itself?

MR. RICHARD HOLMES: I think that would be the best way to go, and then it's there and nobody can touch it or fiddle with it or change it according to their whim. That's what I would like to see. Again, I'm no expert on this. This is just generally speaking.

MR. CHAIRMAN: Could I just jump in with a supplementary? Well, I'll wait till you're finished, but I have a question that's supplementary to this.

MR. DAY: Just for clarification on the distribution of federal and provincial powers. You talked about that balance, a federal government yet being able to have local government that you can look to to get things done. Are you saying, then, Richard – I know minutely we can't point at every little Act here, but are you more or less satisfied with the status quo? The present distribution of powers, maybe some tuning here or tuning there, but are you saying more or less that the status quo is along the lines of how you see that balance?

MR. RICHARD HOLMES: Yeah, generally speaking. If we give too much power to the provinces, we're not going to have much of a central government left – maybe we don't need a lot left; I don't know – to deal internationally. But we've got to have a focus on Ottawa or whatever national . . .

MR. DAY: So you're not advocating a major shift either way?

MR. RICHARD HOLMES: No, not particularly. I think we've just got to be cautious not to dismantle the federal government too much farther, as much as maybe some people would like to see it.

MR. DAY: Thanks.

MR. CHAIRMAN: Just a supplementary on the fixed election date issue. What would happen in your proposal if a government were to lose the confidence of the Legislature and be defeated on a motion of confidence? Would you see an election then resulting from that loss of confidence, or would they be able to stay in office until the end of the fixed term?

MR. RICHARD HOLMES: Honestly, I never thought of it. That's a good point.

MR. CHAIRMAN: Just think about that.

MR. RICHARD HOLMES: I would think there would have to be an election called. If there was a formula set up that every three or three and a half years there was going to be an election on that third Tuesday of whatever, then unless something like that happened – if there was an election called, then you put it those three or four years away again. Something that was set in stone so the NDP could look at it and say, "This is when the election is," and they can plan just like the PCs and the Reforms and everybody else.

MR. CHAIRMAN: Okay.
Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. Two questions; actually one is a comment in terms of the native people. As an advocate for settling native land claims, it's good to hear of people other than myself, because I have a bias obviously.

The other one is Senate reform. You're talking about the imbalance that occurs now. In the new proposal that's coming out, they're talking about a triple E Senate of sorts, but instead of the equal they're talking about a more equitable type of Senate. What's your view on that?

MR. RICHARD HOLMES: Well, I haven't read very much on that; I heard bits and pieces. But when they talk about equitable, quite frankly, I don't trust them. I would have to see something written down. I've seen too many forked tongues.

MS CALAHASEN: Your view, then, is for us to be able to try to press for the equal.

MR. RICHARD HOLMES: Full triple E, yes.

MS CALAHASEN: Okay. Thank you.

MS BARRETT: Can I say something, Mr. Chairman?

MR. CHAIRMAN: Yes, certainly.

MS BARRETT: The joint Senate/Commons committee has been given a mandate to look at and consider input from all Canadians on a new formula for the Senate. If it wasn't going to be entirely equal – let's say, two to five from each province – one of the proposals that had come from a prior report would, for example, give the western provinces more senatorial seats than those given to Ontario and Quebec combined. Would that be satisfactory?

MR. RICHARD HOLMES: I don't see how that's fair to eastern Canada then. Unless there are some other things going on that I'm not aware of, but just on the surface I don't see how that's fair to eastern Canada.

MS BARRETT: It would also apply to eastern Canada. In other words, one of the proposals looks at a weighted system so that basically you take the voting strength out of Ontario and Quebec and increase relatively the voting strength of the western provinces and the maritime provinces. Although it still wouldn't have identical numbers across the board, it would have the same effect in terms of voting. Would that be satisfactory?

MR. RICHARD HOLMES: I would say it could be. It sounds interesting. I don't know enough about it, but it sounds like a similar end result.

MS BARRETT: Yeah. I think it'll be one of the three major proposals that they'll be dealing with a lot in the coming months, so you'll hear a lot more about it.

MR. RICHARD HOLMES: Okay, I'll watch for that.

MR. CHAIRMAN: Richard, we've put you through a number of questions, some of which you did not address in your paper. We appreciate your flexibility in being able to answer them or trying to respond, particularly on the issue of the division of responsibilities, which you did not touch on in your paper but which you were pressed to give an instant answer to. In any event, thank you very much for coming and a safe journey back and enjoyable evening seeing the Mounties' musical ride.

MR. RICHARD HOLMES: Okay; thank you very much, and thanks for taking me first in front of one of my friends over here.

MR. CHAIRMAN: Thank you.

MR. McINNIS: Politicians can't resist a chance to turn the tables.

MR. RICHARD HOLMES: Yeah. I was at the Aryan inquiry a few weeks ago, and I've been through this before, and it was odd being questioned. I felt a little more at ease today.

4:35

MR. CHAIRMAN: All right. Brian Myggland and Pearl Myggland, please.

MR. MYGGLAND: Are we given 15 minutes each or 15 minutes as a whole?

MR. CHAIRMAN: Well, you should have 15 minutes for your presentation, and then we will be flexible, but we would like to give you some time for questions and so on. Welcome.

MR. MYGGLAND: Good afternoon, Mr. Chairman, fellow members of the Legislature and dignitaries and public. I'm used to speaking before an audience, so I'm not used to people being behind me.

MR. CHAIRMAN: Well, nobody's going to come up and hit you from behind, I don't think.

MR. MYGGLAND: No. I don't feel any pain yet, either, so I think things are okay. I'm a little nervous too. I don't have any paper to go by right now.

My name is Brian Myggland from Wainwright, Alberta. This is Pearl, my wife.

MRS. MYGGLAND: I am Pearl Myggland from Wainwright, Alberta. This is the first time I've ever got up in front of an audience like this. It just makes me kind of nervous, because I don't know what to say.

MR. CHAIRMAN: Well, don't be nervous. We are all pretty normal people, I think, and we'd be happy to hear what you have to say.

MR. MYGGLAND: Okay. The first part I want to be speaking on. I'm thankful to have the opportunity to speak on it, and I've been pondering this in my mind for a couple of years. I was sure thankful to hear about such a hearing as this coming up. That's the reason why I'm here today. What I want to speak about is: do unto others as you would like them to do unto you. That is actually my premise of a charter of rights.

Now, what do I mean by do unto others as you would like them to do unto you? It actually comes from even a place in the book of books: Matthew, chapter 22, verse 39, "Thou shalt love thy neighbour as thyself." Just this fellow right here who wanted to speak ahead of me. He had to go somewhere, so I said to myself that I have to keep my word in what I do: do unto others as you would like them to do unto you. So I let him go before me. I'd call that a good charter of rights.

The first thing I wanted to see about: our Charter of Rights in the past, a past Canada. For the last 124 years – and maybe we can go before that, but we'll go for that – we Canadians have been trying to find a way to communicate to each other a common vision for this country. Obviously, we've had some problems all down the road, and some of those problems have stemmed from this problem of do unto others as you would like them to do unto you. I'm seeing less of that in society today than I did back 10, 15, 20 years ago, and more so in my wife's time, because she came into this world a little earlier than I did in my life. So she knows more about the Dirty Thirties, when people pulled together.

What I really am trying to say is that in a charter of rights, when you have do unto others as you would like them to do unto you, if we have a common law – for instance, today I heard on the radio there was an RCMP officer who was charged for poaching; that is, taking down deer, shooting at deer, out of season. He said that he didn't have to abide by the laws of Canada because he was a native. I understand that we are Canadians. All of us in this country are Canadians. I'm glad I am a Canadian. The reason why I say that I am a Canadian – as an example, this painting before you is done with three colours. These three colours – give me a moment to pull them out of the bag here, please – are done in unison and black. The yellow, the cyan, or the magenta, the cyan and yellow and black, make up a work of art like this. Our country, basically, when mixed in the same way as these three colours, can become a very, very interesting country, a country with multiculturalism, a country with many, many different kinds of people doing unto others as they would like them to do unto them.

I know that Quebec has its problems, and I know the west has its problems. I would like to see a centralization; in some ways I would not like to see a centralization. The reason why I would like to see a centralization is that at least one governing body can set the ground rules, such as me as an artist setting up the ground rules of how to work with these three colours on the canvas. I know how to plan the colours. I know how to plan the balance of the colours, but I also like to let the paint tell me what it's to do. The paint does tell me what to do, just like the people of Canada would like to have a say in what they would like to have done in Canada too. So the master artist would be the government, but the people would be the paint that reacts to the government, and the government respects that particular reaction.

That's what I have to do when I work with paints like this. This is an acrylic paint. It's fluorescent, and I had to work with that. The paint respected me as if it's alive. This is coming from an artist's point of view. I know it's not an easy concept, but that's what I brought this for, to let you see.

That is my main proposal, to have a Charter of Rights based on do unto others as you would like them to do unto you. An economic plan for Canada I would like to see would be for the rights of Canada – and this goes into income tax also. I see our income tax system as not very fair. I would like to see across the board – such as a 10 percent system. There are two ways I could see it as: centralization or provincially. First of all, say one of us made $100,000 a year; that'd be nice. You give your 10 percent to the provincial government, and you're left with your $90,000. The provincial government has $10,000 of your dollars.

Every man, woman, and child who's ever able to work in this province or in Canada pays that amount. One thousand dollars of the provincial $10,000 goes to the federal government, and they work with that while the rest stays in Alberta, because they know what's good and best for their particular people.

That's why I'd like to see more strength given to the provinces and more freedom of choice to the government. I saw this from another leader of another party, who said, for instance, that the power of the government is in the constituencies. It's the constituencies who with their members pull together as a constituency, showing what they want, bringing a picture together, a beautiful picture of Canada, respecting the rights of each other. When they do that, it brings the party even closer together as a stronger party. This applies to the church. The body of Christ, that is; not a church like the United Church. No discrimination or anything like that; it just means a church, the structure of it. The government, or even a business: it works the same way.

4:45

The other way I see it is your 10 percent can go to the federal government and then come back to the provincial. If it goes that way, then we're taking power away from the provincial governments, and they again can have their hands tied behind their back – like mine can be; I don't have much to do right now but stand or sit with my hands behind my back – doing very little for the people of Canada. I don't think that is the best for our Charter of Rights, to let the power be taken away from the provinces.

Quebec, having that power taken away from them too, cannot help other Canadians or become Canadians as they want to be. I know there are lots of Quebeckers that want to become Canadians, if they don't feel like they're Canadians right now. That's what I mean by: if they want to become Canadians. The majority of them know they are Canadians; they don't "want to be." I don't have full understanding of it, but I've been hearing about Quebec and about the west and about separation. I don't like it, because I like to see Canada as 10 provinces and two territories. Better still, I'd like to see 12 provinces. I'd like to see the Indians become Canadians, work together as Canadians, and I'd like to see a vision be established in the Charter of Rights that we are all Canadians and work together to help each other and help our government and to make life easier for everybody by doing unto others as they would like to have done unto them.

That's basically what I actually have to say.

MR. CHAIRMAN: Thank you very much, Brian.

Pearl, would you have anything you'd like to add, or are you in complete agreement with your husband on this subject?

MRS. MYGGLAND: I agree with him. He said a lot there. I think everybody should be treated the same way.

MR. CHAIRMAN: Good. Well, thank you very much, Pearl.

Brian, one of the things we've been hearing about in the last few days, of course, is the new federal government proposal, and one of those proposals is that Quebec should see itself recognized as a distinct society in order to permit it to protect its language, culture, and civil law system. You're aware that it has had a different civil law system in place since before Confederation as opposed to the British common law. It's an attempt to define what is meant by distinct society. Have you given any thought to whether or not you would support that type of recognition of Quebec as a distinct society?

MR. MYGGLAND: Yes, I've thought about it. Do you hear me?

MR. CHAIRMAN: Yes. Oh, yes.

MR. MYGGLAND: I thought my mike cut out on me.

MR. CHAIRMAN: Oh, no. The technicians are here, and they watch very carefully whose mike's on. Go ahead, please.

MR. MYGGLAND: Ten-four.

Yes, I've been thinking about the distinct society. For instance, I'm a distinct society too. I'm visually impaired; that's a distinct society.

What I'd like to do in Quebec: I think Quebec should also recognize themselves as a distinct society but at the same time again respect the rights of people in this country and have a good respect for themselves and help out in building this country, not try to go their own direction but help out building in a direction for the betterment of the whole country. I'm not a hundred percent in agreement with a distinct society, but I'll say I'm about 75 percent.

MR. CHAIRMAN: Okay. Well, thank you very much, Brian.

Questions or comments?

Thank you very much, both of you, for coming forward and giving us your thoughts. We appreciate seeing a husband and wife team coming together in unison on a subject such as this. As I've said many times in my 27 years of marriage, there are lots of times when my wife and I don't agree on issues, and I guess you expect that to happen. I appreciate the fact that you've come forward today and given us your thoughts. I appreciate it very much.

MR. MYGGLAND: The secret of it, I found, is total openness. That's what we need in Canada too: total openness.

MRS. MYGGLAND: And honesty.

MR. MYGGLAND: Yup.

MR. CHAIRMAN: That's right.

Well, thank you very much, both of you.

MRS. MYGGLAND: Thank you very much.

MR. DAY: We appreciate the artwork too, Brian.

MR. MYGGLAND: Oh, thank you. I'm not trying to advertise; I'm just trying to communicate. That's the way I communicate myself, through the artwork that I do.

MR. CHAIRMAN: Thank you very much.

MS CALAHASEN: That's a good name you've got, Mrs. Myggland.

Thank you very much.

MR. MYGGLAND: Precious Pearl.

MS CALAHASEN: My name is Pearl too.

MRS. MYGGLAND: Oh, your name is Pearl. Well, thank you.

MR. CHAIRMAN: We have at least two Pearls with us today.

MR. MYGGLAND: Yeah, Pearls are precious.

MR. CHAIRMAN: That's right.

MS CALAHASEN: They are.

MR. MYGGLAND: Well, thank you very much, and thank you for the time.

MR. CHAIRMAN: Thank you for coming.

MR. MYGGLAND: I don't think I have anything else; my time is up, I believe.

MR. CHAIRMAN: Well, thank you very much. You've been very helpful to all of us.

MR. MYGGLAND: Okay. Thank you very much too.

MRS. MYGGLAND: I thank you very much too, everybody that's here.

MR. CHAIRMAN: Clinton Hjelmeland.

MR. HJELMELAND: Ladies and gentlemen, committee members, my name is Clinton Hjelmeland. I'm a director of the Wainwright Liberal Party, and I represent the area for the Liberals. I wrote up a little letter. It's not very much, but it might help some here.

It says. Dear committee members, I would like to see all Canadian people stop arguing and get back to the work of building the country again and to keep the Quebec people in Canada and put the native Indians into the Constitution and be one whole, united nation again.

Thank you very much.

MR. CHAIRMAN: Thank you very much, Clinton. You already sent a letter to us back in July as well in which you indicate you support a strong constitutional policy for all Canadian people, and if Quebec wants the power they want, then give the same powers to all the provinces and don't let them split from Canada. I assume that is still your view.

MR. HJELMELAND: Yes, it is.

MR. CHAIRMAN: So you want equality of the provinces?

MR. HJELMELAND: Yes, I do.

MR. CHAIRMAN: Good.

Any other questions or comments?

MR. McINNIS: Mr. Chairman.

MR. CHAIRMAN: Yes, John.

MR. McINNIS: Clinton, is your submission on behalf of the Liberal constituency association? I just wondered if you discussed it with any of your colleagues first before you brought it forward.

MR. HJELMELAND: No, this is from myself.

MR. McINNIS: Do you have any particular suggestions of items that you would like to see us put in our final report? Presumably this committee will be making a report on changes we'd like to see in the Constitution of Canada. Are there any specific items you'd like to include in that report?

MR. HJELMELAND: Well, I'm in favour of Senate reform. I would like to see better co-operation in the Senate. I would like to see an equal Senate and more power in the Senate. Give the Senate more power to do what they want to and staff to make decisions and stuff like that.

MR. McINNIS: I presume you'd like the Senate to be elected as well?

MR. HJELMELAND: Yes, elected Senate.

MR. McINNIS: Triple E basically, eh: elected, equal, effective?

MR. HJELMELAND: Yes.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Okay. Thank you very much, Clinton.

Are there other questions?

Well, thank you very much. We appreciate your comments and the representation you've made on behalf of your local association.

MR. HJELMELAND: Thank you very much.

MR. CHAIRMAN: Roger Lehr, do you want to come forward now?

MR. LEHR: Thank you, Jim. I was able to beg off a half an hour so I could be with you for a while.

First, as mayor of Wainwright I would like to welcome you all to our community. Thanks for taking the time to be with us today. I hope we'll have more out this evening. I won't be able to be here myself this evening.

I guess my biggest disappointment, Mr. Chairman, is the fact that your people were unable to be with us this winter when we did our Confederation Week in Wainwright. I think that had you been able to be here that day, you would have derived a lot of information and a lot of good stuff out of it.

4:55

I guess one of the things that concerns me most in our country, in our province is the crisscrossing and overlapping and doubling of things such as this commission. I don't think there's a real need for the provinces, for the federal government, and for everybody else for that matter to be crisscrossing the country doing it. I think we have to start doing some of these things a lot more efficiently.

I didn't take time to do a brief, but I did want to speak a little bit about the Charter of Rights, and not so much about the Charter of Rights, I guess, as the fact that so many people are hiding behind the Charter of Rights today. It seems like what we really need, I think, is a charter of responsibilities to go alongside the Charter of Rights. I don't have the expertise to put together that type of charter, but I think that it's something we're going to have to have because we are getting handcuffed every way we turn by the courts and by people who wish to hide behind the Charter of Rights. If some way you can do something to make people more responsible for this great country that we have, that we live in, to put something back in – I'm sure you people see on a daily basis a lot more people taking out than there are putting in, and it can't go on that way.

I think the new constitutional paper that's come down makes a lot of what's happening now redundant. I think we have a basis from which to start. I think the federal government's been very fair in saying: we've taken this thing about as far as we can; we throw it out to you people, the people of Canada; tell us how to make it better. If we don't nitpick it to death, don't become too picky with it, I think that we can do something.

I do think that the most important part of this entire Confederation and constitutional issue is that element of co-operation, and if we can co-operate and be sensible and do what's right rather than what we would like to have for our own individual selves, I think we can hold this country together and have the great country we have.

Thank you very much for your time. I know I didn't say a lot, but it was nice to be able to spend a few minutes with you.

MR. CHAIRMAN: Thank you very much, Roger.

Yes, Gary Severtson.

MR. SEVERTSON: Yes. Roger, I was wondering about your idea on the distinct society clause. During the Meech Lake debate I know that in my constituency a lot of people were concerned about the special status that they thought would be given to Quebec. Do you have any opinions on that?

MR. LEHR: In my understanding that it's spelled out that they are distinct in their French language within their province, that they are distinct in their culture, that they are distinct in their laws, and in no other ways.

MR. SEVERTSON: Okay.
How about the triple E Senate then? You didn't mention anything about that.

MR. LEHR: The triple E Senate: I'm glad you brought it up. I don't think we need a Senate, triple E or any other kind. It's a waste of money, and I'd like to see it abolished.

MR. SEVERTSON: Mr. Chairman, can I follow up on that?
I asked the question the other day on the Senate part, the fact of being effective and equal. A lot of people, particularly in Alberta, feel that if we had a triple E Senate when the NEP came in, it wouldn't have survived. If we do away with the Senate, what mechanism could you envision that could stop that type of a program that was so devastating for Alberta?

MR. LEHR: Certainly there is no question; I guess we all agree that the way the Senate is today is of absolutely no value.
My only concern with your triple E Senate: from where are you going to take the powers? Are you people in the province prepared to give some up? I doubt very much if the feds are prepared to give anything up. If you give them the same kind of power as the federal government has, then when is there ever going to be a decision made? You'll have Edmonton city council, and you'll never have a bloody decision.

MR. SEVERTSON: Well, I guess it depends how you define the effectiveness of the Senate. Some mentioned that the Senate would have, say, veto powers on matters that affect provinces and only suspensive powers on federal matters.

MR. LEHR: Let me ask you a question back, Gary, if I might. Why is it necessary that the federal government have a Senate if the provincial government doesn't have a Senate?

MR. SEVERTSON: We're getting into a debate here. I don't know if we should.
The difference is we're talking 10 different provinces with different legislations. The federal government can affect their legislation, but in a province we have one legislation for the whole province. We haven't got 10 different regions in the province.

MR. LEHR: No, but you might have the representation from the city far outweighing the rural, and who would we in rural Alberta go to then? It's hypothetical. I just don't see the need for a Senate. I mean, after all, we elect responsible people for a four-year period. Let's wing it; let's go with it. Why second-guess it and have somebody else make a decision?

MR. SEVERTSON: Fine. I don't want to continue debate on that.

MR. CHAIRMAN: On that, Roger, if I could just follow up since you asked a question. The federal principle in the federal state is always recognized by having a second Chamber to represent the interests of the component parts of the state – that's true in the United States, Australia, the Federal Republic of Germany, Switzerland, et cetera; I could go on and on – rather than the unitary state where the power is all in the one central government, and that's the reason there is a second body in a federation. That's the traditional approach, and you're suggesting something a little different.
John McInnis.

MR. McINNIS: We all actually learned quite a bit about the Wainwright exchange through the media. A number of people have come to us in different ways and guises and forms suggesting that somehow the government should be involved in helping to promote that type of exchange. Are you of the view that we shouldn't have government money going to a program like that? Do you think it's better done just left to private people?

MR. LEHR: Not specifically government money to that program, John. I think the government could perhaps help to have more of these exchanges. Not only with Quebec; I personally know nothing about the maritimes. I think we as Canadians as a whole know very little about our country, and if somehow our provincial governments could facilitate, without a great deal of dollars, some type of exchange back and forth across our country, I think we would find an awful lot of these problems solved. It's ignorance in a lot of cases. We don't know one another.

MR. McINNIS: One of the difficulties that's often mentioned is the cost of traveling within Canada. Airfare, in any event, is fairly high compared with the cost of going overseas or to some of the vacation resorts. It's, you know, cheaper for somebody from Grande Prairie to go to Hawaii than it is to go to Vancouver or if you want to go to the maritimes. The last time I discussed it with the Rt. Hon. Joe Clark, he said that we're never going to solve the problem of that disparity in airfares, so he was looking to the formation of affinity groups as a way around that problem. Is that something you've heard of?

MR. LEHR: Well, I can tell you that Canadian paid for the airfare in our exchange. We're now doing an exchange between Don Mazankowski's and Benoît Bouchard's ridings, and I can tell you that Air Canada is paying for that. So there are ways to get it done. I mean, the planes are flying half empty or half full at any rate, so why not be using them for something worth while and transporting some people back and forth to find out more about our country?

MR. McINNIS: Thank you.

MR. CHAIRMAN: Thank you very much, Roger. You know, the definition of an optimist is somebody who says the glass is half full, and the pessimist is one who says it's half empty.
Pam Barrett, though, has a question she'd like to follow up with.

5:05

MS BARRETT: Yeah, I do. The planes for the major routes are not now actually flying half empty or half full. What's happened is they oversubscribe on the major routes hoping that a certain number will drop off, and I know this because my husband lives more on an airplane, I swear to God, than he does at home.

MR. CHAIRMAN: Already?

MS BARRETT: Already. I know how often that bumping occurs. It's a very serious problem. The reason I wanted to bring that up is because of what you had raised originally and then John raised.

A couple of days ago we had a submission that suggested that a national unity travel tax credit be developed, and she had it drafted out in forms in fact. I know that Jim had pulled out his copy. It's pretty nifty. I'll just pass it over; you can have a quick glance while I'm asking the question. What she envisioned was allowing people . . . We convinced her to take out business trips because that's something different, and Sheldon and I knew that it wouldn't be necessary. She thought: what if we allow people just to reduce the amount of their taxable income by showing receipts whenever they've traveled to another part of the country primarily to get to know other Canadians and their way of life? No one here has specifically endorsed it, but we are testing people, asking them whenever they talk about this: how would you feel about that? Would you think that would be an appropriate or useful way of . . . It would be diminishing tax dollars in one sense, but do you think that would be a good investment?

MR. LEHR: Certainly it's an investment in our future and in our education. At this present time we can't afford it, either provincially or federally. But what's wrong with us as Canadians? I mean, my God, we flock across the borders by the thousands. Surely we could travel a little bit within our own country and learn.

MS BARRETT: I think that was part of her point; that if we had (a) some sort of political, historical incentive to get to know each other, and (b) a financial incentive to not go elsewhere on vacation but to spend our money in Canada, it might generate good bucks for general revenue.

MR. LEHR: I can certainly agree. Unfortunately, I'm not much of a proponent of subsidies and bailing everybody out and making it attractive for people to do a thing. I think that the will has to be from within. I think that perhaps there are some things we can do – nonmonetary – to encourage this, and I couldn't think of anything we could do that would be better for our nation.

MS BARRETT: Yeah.

MR. CHAIRMAN: Okay. Thank you very much, Roger.
Sheldon.

MR. CHUMIR: Thank you. Nice to have you. You mentioned some concerns about the role of the Charter of Rights, and as we know, it was applied initially by the courts in Quebec to strike down the law prohibiting signs in English. It was only then through the use of the notwithstanding clause that the Quebec government overrode that. Are you in favour of protective rights of that nature in a charter? Is that something you subscribe to, or are you dubious about a charter?

MR. LEHR: Certainly a lot of the things in the Charter are necessary and they're a must. I think it's overstepped its boundaries. I think everything is Charter now, and I think we have to get back to reality. All it takes is some common sense. Unfortunately, sometimes we don't have that, and there are a number of instances we run into on a weekly basis where we run up against the Charter. We're then at the mercy of 12 or 13 people.

MR. CHUMIR: Sure. But would you be supportive, though, of Charter protection, for example, of the English language in Quebec as it . . .

MR. LEHR: Without question. I never have been a proponent of the notwithstanding clause. I mean, either you have a law, or you don't have a law.

MR. CHUMIR: Okay. Now in terms of distinct society, you felt – I interpreted you – that it was sufficiently narrowly confined at the present time. There is a theory or a thesis, a view that the way it's phrased will in fact result in different rights for individuals in Quebec as a result of different Charter interpretations than would pertain for individuals across the country, and thereby certain laws could be passed by Quebec that perhaps couldn't be passed by other provinces, thereby providing an inequality there. If that were the case, is that something that you would oppose, or are you accepting of that? Does your statement in accepting the distinct society also accept that? Are you saying, "Well, that's fine"?

MR. LEHR: I don't think it's the intent to give Quebec any more powers than any other province in Canada. I firmly believe that. It's what I've been told, and until somebody proves it different, that's what I will believe. All other provinces have the same opportunity to have jurisdiction over those three elements.

MR. CHUMIR: If there were a difference and inequality, would that be cause for concern?

MR. LEHR: I don't think there needs to be a difference in equality. If there were a difference in equality, we would have to have an offset, and I don't believe there's a need for it. I think it's a case of simply understanding one another. I think we could probably settle the whole issue in six weeks if we did it without a slanted press. Tell the truth, report the truth, all the truth, and I think we'd get the job done.

MR. CHUMIR: Thank you.

MR. CHAIRMAN: Well, that's an interesting final comment, Roger, about our friends in the news media. I guess all of us in public life wonder sometimes. What escapes our lips doesn't always get to the hearer through the filter that the news media put in the way. But in any event, I appreciate your coming forward today and taking time from your busy schedule as the mayor of this good community. It's good to be back here.

MR. LEHR: Thank you, Jim, and again thanks to all of you for coming. I hope you enjoy your evening and hope you come back more often on unofficial business. We don't need any more commissions. Let's come and visit a little bit. Thank you.

MR. CHAIRMAN: Well, we'll be back when your MLA invites us, okay?

All right. That concludes the presenters who have indicated they wished to come forward this afternoon. The evening session will commence at 7 o'clock. My colleague Ken Rostad, the MLA for Camrose, will be chairing the evening session since I have a long-standing commitment to visit some folks in Calgary which I just could not change. Therefore, we shall be reconvening here at 7, and in the meantime, my colleagues who are staying will go out and sample some Wainwright cuisine. I'm sure they'll find it pleasant, as is this very fine community.

We now stand adjourned till 7.

[The committee adjourned at 5:12 p.m.]

7:07 p.m. **Thursday, September 26, 1991**

[Acting Deputy Chairman: Mr. Rostad]

MR. ACTING DEPUTY CHAIRMAN: Good evening, ladies and gentlemen. We'll reconvene. We welcome back those of you who were with us earlier this afternoon and welcome the new people here. For the sake of the new ones, we'll introduce the people at our table. Our total committee is 16. We're divided into two panels of eight. We did have eight here earlier this afternoon. Two of them, with prior commitments, have had to leave. Any presentations that are made tonight will be shared with our colleagues.

My name is Ken Rostad, MLA for Camrose, acting as chairman this evening. I'll ask my colleagues to introduce themselves.

Sheldon.

MR. CHUMIR: Thank you. Sheldon Chumir, MLA for Calgary-Buffalo.

MS CALAHASEN: Pearl Calahasen, Lesser Slave Lake.

MR. McINNIS: John McInnis, Edmonton-Jasper Place.

MR. DAY: Stockwell Day, Red Deer-North.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MR. ACTING DEPUTY CHAIRMAN: Our chairman, Jim Horsman, MLA for Medicine Hat, and our other panelist, Pam Barrett, MLA for Edmonton-Highlands, as I mentioned are away.

The gentleman to my left is Garry Pocock; he's secretary of our committee. When presenters do come up, there are mikes here. Don't be embarrassed or shy of them. Our team behind is from *Hansard*. Everything that's said tonight is recorded for posterity. Butch Fischer, your MLA, can get you a copy of *Hansard* anytime so that you can have some of your remarks.

So we'll start then. Our first presenter is Harvey Walter from the Wainwright Lions Club.

Welcome, Harvey.

MR. WALTER: Good evening, ladies and gentlemen. First let me apologize because this won't be a very polished performance. The club itself was blindsided by the release of the government's proposed constitutional changes, called a blueprint for Canada. We all got together and tried to address the 10 main points together. I'd like just to start.

We would like to give our thoughts on the 10 published sections to the proposed changes to the Constitution, point one being the distinct society, which is Quebec's distinctiveness, to be entrenched in the Charter of Rights and the Canada clause to acknowledge that province's French-speaking majority, unique culture, and civil law. We feel that if one province is to be entrenched as a distinct society, all provinces should be accorded the same privilege. It seems to be axiomatic that in a democracy all are seen to be equal.

Two. The Canada clause, which outlines the fundamental characteristics of the country, includes recognition, preservation, and promotion of distinctive groups. It seems that if we have this Canada clause, why do we therefore need a distinct society clause? It would seem that the second clause would do the job of the first clause.

Three. The notwithstanding clause under the Constitution highlights that it will require approval from 60 percent of the members of the Legislature. We feel the notwithstanding clause should be deleted totally. If we are to have a Constitution, let's have a Constitution. The notwithstanding clause allows any provincial government to opt out whenever it suits them providing, of course, it gets 60 percent of the vote in the Legislature.

Four, property rights entrenchment in the Charter. We feel that property rights should be entrenched, as it seems to be a given that the citizens of this country can buy and own property.

Five, aboriginal rights. Entrenchment of the aboriginal right to self-government with a 10-year deadline and guaranteed aboriginal representation in a reformed Senate. This issue has been sidestepped again. The 10-year deadline is only a 10-year waiting period, which is really unacceptable, as a whole generation of Canadians will die as second-class citizens.

Six, the Senate. An elected Senate with more equitable regional representation and more power. We feel an elected Senate is a good idea; in fact, we must have an elected Senate. However, we feel that the number of Senators per province should be equal; for example, five Senators for Ontario and five for Manitoba. This equality would in itself give the Senate more regional control. We like the elected Senate, as the power to appoint Senators is taken away from the Prime Minister's office. This destroys some prime ministerial patronage, which in itself is laudable.

Seven, the division of powers. Recognition of explicit, exclusive provincial jurisdiction over manpower training, tourism, forestry, mining, recreation, housing, municipal and urban affairs. A fine idea. Why did it take so long?

Eight, a council of federation, which would be a provincial, territorial, and federal body to co-ordinate interprovincial policies. It was pointed out that this should not be a refuse heap for useless politicians, and this council should consist of nothing more than the intergovernmental affairs minister from each province and/or territory, chaired by the federal interior minister.

Nine, the Supreme Court, which would have a provincial and territorial role in nominations for appointments. Again, a provincial and territorial role in nominations for appointments to the Supreme Court is an excellent idea. Again it seems that we had to wait a long time for this.

Ten, economic union. A free flow of persons, goods, services, and capital among the provinces. We feel it is ludicrous for the federal government to sign free trade agreements with the U.S. or tout or suggest a free trade agreement with Mexico, et cetera, when Canada itself does not have a true economic union.

In closing, I'd like to thank the ladies and gentlemen for listening to me. We, the club, have the feeling that the government is not to be trusted to listen to the legitimate concerns of the people. We would also like to express our opinion that the majority of politicians seem to be trying to forget at times that they represent the electorate. Please start listening with an open mind to all concerns.

I thank you very much indeed.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Harvey. Questions? Gary.

MR. SEVERTSON: Just on your number 10 point. Do you feel free trade is bad, or is interprovincial trade the source of the problem?

MR. WALTER: I feel, personally, that the free trade agreement was bad for Canada. We haven't seen any increase in employment like we were supposed to. I think before we have free trade with other nations, we should at least try and get free trade with ourselves.

MR. SEVERTSON: Yeah, that's the point I was trying to get at. I agree with you that we should have free trade between the provinces, but I was wondering if that's what you felt, too, or that free trade, in particular, was bad.

MR. WALTER: No, free trade is an excellent idea. I'm sorry; I want to clarify that. Free trade is an excellent idea, but it should be achieved in Canada first before we go charging around the world trying to sign free trade agreements with other nations.

MR. SEVERTSON: Yeah, okay; that's what I thought.

MR. ACTING DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Regarding the Senate, you said that an elected Senate is a good one, but you didn't comment on whether or not it should be the triple E senatorial selection.

MR. WALKER: I didn't comment because the club itself wasn't quite sure, when it was mentioned in the constitutional changes, whether it meant the triple E Senate or a different type of elected Senate.

7:17

MS CALAHASEN: It says on the third part that proposal is the – what do they call it?

MR. WALTER: Elected, equal, and . . .

MS CALAHASEN: Yeah, equal – equitable. An equitable Senate versus the equal Senate. But you're suggesting that should be an equal Senate?

MR. WALTER: An equal Senate, yeah.

MS CALAHASEN: Thanks.

MR. WALTER: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Sheldon.
Sorry; go ahead, Harvey. I didn't mean to cut you off.

MR. WALTER: No, no.

MR. CHUMIR: Thank you. In respect of the distinct society clause, you gave your opinion that all provinces should be equal. There is a view that the way it's characterized at the present time in the Charter of Rights puts individuals in Quebec at risk of having fewer rights than other Canadians, and would give Quebec additional powers or powers above what other provinces would have for that reason. Assuming that is the case with this distinct power provision and that at the same time you're in favour, I gather, of the triple E Senate, would you be prepared to trade off? Would you think it'd be a reasonable deal for Alberta to trade off the triple E Senate for that distinct society provision?

MR. WALTER: Can I ask you to rephrase the question? Do you mean by that – are you are suggesting that Quebec gets the distinct society and then we get the triple E Senate? Is that what you're asking?

MR. CHUMIR: That's right. Are you ready to compromise on that basis?

MR. WALTER: I believe so, yeah.

MR. CHUMIR: Okay. You also approved the transfer that the federal government's proposals would entail of a number of powers from the federal government to the provinces – manpower, some culture, a whole range of things – and thought that was long overdue. I'm wondering to what extent you feel a federal government should have powers. To what degree do we need a strong central government, if at all?

MR. WALTER: Well, one would assume the federal government would keep control of the mint, foreign affairs, defence, methods of raising federal taxation, transfer payments.

MR. CHUMIR: Just those limited things. You would, then, be very, very favourably inclined to something along the lines of the Allaire report in Quebec, which the Quebec government was supporting.

MR. WALTER: There's nothing desperately wrong with that report, although it seems to be that if . . . I'm trying to point out that if one province has X number of clauses, all the provinces should have the same thing. In fact, they word it – because then you would have a loose federation.

MR. CHUMIR: You're not concerned about overly weakening the nation by transferring most powers to the provinces?

MR. WALTER: Actually, provinces at the present want to have quite a few powers anyway.

MR. CHUMIR: That's why one asks why there's a need there, or whether we're well served by transferring more. What's left?

MR. WALTER: Well, as long as the federal government, as I said, keeps those four or five items that I pointed out, I can't see why we shouldn't transfer them, because it saves duplication.

MR. CHUMIR: Sure.

MR. ACTING DEPUTY CHAIRMAN: Thank you.
Stock.

MR. DAY: Thanks, Mr. Chairman. Harvey, I wonder if you can help me, maybe even help us as politicians. That's such an ugly word, the "p" word, or we're being told it is. There's a phenomenon that I've noticed in the meetings as we've gone around the province. The phenomenon is people commenting on the fact that, by and large, politicians don't listen. I don't argue with that. That's what we're hearing everywhere. Actually, there was a report of a survey in the United States, and that was the single biggest concern on the minds of legislators across the United States: the public perception that politicians aren't listening, a high degree of cynicism. But the phenomenon that I've noticed in each place where we've gone: at least one or two people who make the comment usually except their local MLA, whether it's government or, when we were in Calgary, even Sheldon here from the opposition. Someone came up and made some negative remarks, which were heartfelt, about politicians, but in almost each case their local one – and we hear it here in Wainwright with Mr. Fischer – is attentive, does listen, and it seemed to be whether we were in an opposition riding or wherever.

So in your perception, to help me and to help us, where then is the ball being dropped? If there's a sense from people generally that their local MLA is listening, fairly attentive, gets things done, what can we as elected people do to do better or to help the perception or the reality that's out there? I'm asking for free advice here.

MR. WALTER: I think the perception itself is that people don't know because they're not politicians. I don't know. I couldn't answer the question; I'm not a politician. I think the farther away the level of government appears, the greater the level of distrust. I think you can probably understand that, perhaps, more with . . . People think that Brian Mulroney, Joe Clark, Jean Chrétien, or whoever are so far removed from their local sphere of influence or whatever that they tend to have a greater level of distrust than they do for the local provincial MLAs, and of course the local provincial MLAs are not in as close contact as, say, the mayor or the local aldermen kind of thing. I don't know.

MR. DAY: Okay. That's a fair response. I appreciate that. Thanks.

MR. WALTER: But as I say, I just can't answer that question. I would probably do things differently if I were a politician, but I'm not.

MR. DAY: Thanks, Harvey.

MR. WALTER: Thank you.

MR. McINNIS: I was interested in your comment on property rights in the Constitution. Most people would take that phrase to mean the right not to be deprived of your property, but I think it has quite a different meaning in law. The question is: what can you do with your property? The classic case is if somebody decides to put an abattoir in the middle of a residential neighbourhood. Most people who live around there wouldn't like that, but the owner of the property might say, "That's an interference with my property right, to say I can't build an abattoir next door to a nursing home," let's say. Are you comfortable with the idea of having the courts make a whole new set of rules in regard to property rights? Or do you feel that perhaps that shouldn't be in the Constitution?

MR. WALTER: Well, I think your example is a little extreme to begin with. I very much doubt you would get planning permission to build an abattoir right next to a hospital. Anyway, I'm quite happy with it. I believe that it should be entrenched. And if it has to come down to the Supreme Court making all the different rules, then let it be.

MR. McINNIS: I think that is very much what the issue is in terms of whether property rights go in the Constitution, whether zoning control decides that, or whether ultimately . . . I mean, I suppose we might end up where we are if we put a clause like that in the Constitution, but it also might take 10 years and a lot of litigation too.

MR. WALTER: So let it take 10 years and a lot of litigation.

MR. McINNIS: What's the problem that you see that would be remedied through putting a clause like that in the Constitution?

MR. WALTER: There's no problem. I just believe it's a given that people can buy property. I think the right to own property should be enshrined. That's my opinion; that's my belief. I can imagine there'd be a lot of problems with people who want to build abattoirs, however, but I'm sure they'll get them sorted out in the end.

MR. McINNIS: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Any other questions?

Well, thank you very much, Harvey. On behalf of us, thank the club as well for your civic duty and letting us know what happens with the Constitution. Thank you.

MR. WALTER: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Our next presenter is Buck Kallen, if I didn't ruin the name. Was I close on the pronunciation?

MR. KALLEN: Close enough, sir.

MR. ACTING DEPUTY CHAIRMAN: Just go ahead whenever you're ready.

MR. KALLEN: I really didn't expect to be able to address this group. However, for years I've criticized from the armchair, and now I see an opportunity to come and suggest a couple of plays to the coach.

First of all, I'm honoured to be permitted to address this body. I've been looking forward to saying something about what is happening to my beloved Canada. I indeed love this country. For the present I claim no province as home and no province can claim me, with the exception, of course, of tax time. I can explain this.

I know Canada well. It has been my good fortune to have either lived or worked for at least six months in B.C., Alberta, Manitoba, New Brunswick, and Nova Scotia. I have family and many friends in Ontario and Quebec, and I know far more Newfoundlanders than any one Canadian has a right to know. At the risk of being risqué, I've had intimate relations on le citadel in Quebec City. I've partied in the old section of that town and in Montreal as well. I have many Anglo and Franco friends.

7:27

This August I returned from a six-year stay in Germany. During that time I visited many countries on the continent: Italy, France, Holland, Britain, Denmark, and my favourite, Switzerland. If you haven't guessed already, I'm one of your service members. I'm Sgt. Kallen. I'm with the Royal Canadian Horse Artillery, based in Shiloh, Manitoba, right now.

With all my heart I beg my leaders to leave no stone unturned, no point undiscussed, no decent idea uninvestigated or unconsidered on the path to unity for this country. This is the most unique and beautiful country on the face of the earth. I say that with the utmost sincerity; I've seen quite a few of them. Do not waste it. We are on the way to becoming a truly cosmopolitan nation unlike any other on earth. Do not pervert and halt the progress of this model to the world. Of all the G-7 nations, this is the only one that was not brought about by either civil war, revolution, or the imposition of a system by war victors.

Our country was born from compromise and co-operation. That is our strength and our national heritage, or at least it was before we started thinking and voting with our pocketbooks. I certainly understand that time and situations have changed since the Charlottetown conference so long ago. This nation has prospered during the most dynamic century in history. Let's continue this together. The collapse of the Soviet Union comes with an explanation. Most of us are excited and happy about it. As a soldier, I am particularly thrilled. The collapse of Canada, however, would be nothing more than pitifully embarrassing.

I read in the newspaper that this was called Alberta's place in a new Canada. To Alberta I have this message: you've proved in the past that you were a leader, particularly in the western region of this country; help lead us, but lead us well. As an instructor of leadership hopefuls, I remind you, as I remind them, that a leader looks beyond the self to the good of the group. You do not sacrifice yourself, mind you, for pointless games, but you most certainly do abandon selfishness to achieve the best solution to the problem.

Now that you've got that heartfelt part, I'm going to address a few points, particularly about shaping Canada's future together. While I've not had an opportunity to go through the document and study each point, I do have and have had for quite a while some particular points about national powers. The Allaire report, that was mentioned earlier, claims that immigration devolve to the provinces. No. Not at all. Around the world Canada is the new promised land. It's no longer the States. Most of the cities of the United States have turned into hopeless ghettos; the educational standards have dropped. The chance of getting good work where you can advance generation to generation has declined miserably. However, in the eyes of many Canada still provides this. I do not want Yugoslavs, Spaniards to come to the Canadian consulate and see: "Come to B.C., come to Alberta, come to Saskatchewan, move to Manitoba, come to Quebec." It's "Come to Canada." As I said, we have our own cosmopolitanism here that I hope we can all share.

Also, immigrants should be free to choose where they live, not quotaed into certain parts of the province. If an immigrant wishes to move to Quebec, they should understand that that province favours French and, by choosing to move to Quebec, they undertake to learn the French language. It should not be legislated that you will move to Quebec, you will learn French, and you will survive under those situations. I also understand the economic realities. We don't want 100,000 people all moving to Quebec City or moving to Edmonton, because the superstructure just cannot support them. In those cases, which I hope would be few and far between, a responsible government would be able to step in and help us out.

Second, the Allaire report also claims that the environment should devolve to a provincial responsibility. Once again, no. How can we establish on a provincial level environmental standards that vary from province to province when environmental provinces are not bound by borders? Effluent flows out. My particular experience is on the west coast. It's fine for B.C. to make environmental rules, but they will almost constantly be in conflict with the American's. Can you see four provinces trying to come up with acid rain agreements with the United States? I do not believe Washington would deal with a provincial government as freely and adequately as they would with a national government. Again, particular to this part of the country, coal-burning problems in Alberta may affect the grain growing in Saskatchewan; however, two environmental policies will meet head to head.

Third: this has never been a question, but definitely defence and foreign affairs are strictly the purview of the federal government. I've done United Nations duty in Cyprus, and I'm going again next year. As I said, I've just come back from six years of NATO duty in Germany. If one thing builds Canada's reputation around the world, without trying to seem conceited, it's the professionalism of our soldiers and the way we are perceived around the world. The most beer-swilling, down and dirty, partying soldier that I have ever seen puts on a uniform, marches out into the public in Holland and in Germany, and the shoulders go back, the head goes up, and he behaves himself. Nobody told him to do it. He's wearing the uniform. People see this. Although it's not the only example of why people respect Canada around the world, it's the one I'm most familiar with.

National standards. There is no ministry of national standards obviously. However, medicare, pensions, et cetera, should definitely have some federal standards. There must be equity across the country from coast to coast. I also suggest that while provincial monitoring of the education system has served me quite well – I've educated myself in three separate provinces with no great problems transferring from one to another – growing global competition and the need for technical expertise require that Canada as a nation establish some national standard of education, particularly where federal dollars are going to be spent. I realize this is not the reality but the perception: that if a man's tax money is going to be collected in Ontario and paid out to the University of British Columbia, there be some ability for a man who has trained himself in British Columbia to also train himself in Ontario to the same level, to the same standards. I read in the *Edmonton Journal* today – I'll try to be a little quicker – that the Canada Council is 34 years old but some people don't think it's going to make 40. Well, that's pathetic as well. Due to the elephant and mouse syndrome of Canada with the United States, the Canada Council is, at least for the time being, necessary.

Now the tough three. The distinct society. I have no problem with the distinct society. I know many Quebeckers. Unfortunately, we're arguing over words when we don't really know intentions. I believe most western Canadians would accept the distinct society. Whether or not they'd trade it off for a triple E, I have no idea. All we want to hear from Premier Bourassa is perhaps a resolution from the National Assembly – nothing binding; just get them to make a statement that while they are encouraged to promote and preserve the French identity, they're not going to take that as carte blanche to discourage other minorities. That's not stated anywhere. You know, we'll give it to them. Yes, they are a distinct society.

The biggest misunderstanding between the English and the French is that the French heritage comes from the imperialist system while the English heritage comes from English common law, two completely different ways of government, and like a racist father raising a bigoted son, it's passed down. Whether it's intentional or not, the French are used to a very tight, very sovereign – if I may use the word – system. They're not used to co-operating as much as English common law, as we understand it, has encouraged us to. So, Premier Bourassa, tell us that you're not going to abuse the English minorities and all the other minorities flocking to Quebec. That's all we want to hear. Yes, you do have a distinct society. We understand that.

7:37

The triple E Senate. Triple E came out in this report elected, effective, and equitable as opposed to equal. The only worry we have here in outer Canada, if I may use Mr. Kilgour's term, is that central Canada dominates without true interest. It seems illogical that for a fisheries problem British Columbia and the four maritime provinces should be able to carry the vote in the Senate. In Ontario they do fish, but it's not a root of their industry as it is in the five provinces I mentioned, B.C. and the maritimes. Alberta and B.C. have always been good buddies. We have six provinces in the Senate; we carry the day. People do not perceive that this will be able to happen. They see a certain greed in Ontario and Quebec that they want to maintain power. Well, they've already got it in the House of Commons. The most irritating thing for my father and myself as I was growing up was to turn on the TV and find that the election was already over before Winnipeg got counted.

Finally, the first peoples. I am upset that they view the 10-year deadline as a delay or an extension. I say please be patient; I believe the goodwill is there. I agree with native self-government. I've never ever disputed, since I understood the concept, native self-government. Yes, we did impose ourselves upon this continent centuries ago. However – and again this is an impression I get from people I know – a lot of the grass roots are worried, particularly in this decade. Canadians of this generation have been punished or taken to task for the errors of our grandfathers and great-grandfathers. People want to know how much this is going to cost. How much is Canada going to spend to assist in the establishment of native self-government? We're not opposed to the concept. Yes, please help yourselves. Grow as you wish in the country that is yours as well as ours. But for the 10-year period: if we're going to do it, if we're going to establish native self-government, let's not rush it. Let's not say now, now, now; we want it now. Take the 10 years. Let's do it right the first time.

Finally, for politicians: you'll be happy to know that by my oath I cannot comment on them. However, if you ask questions, I'll do the best I can. As the last gentlemen said about property rights . . . What was my point? I didn't quite get the note down before I got called up, so I'll conclude there.

Thank you very much.

MR. ACTING DEPUTY CHAIRMAN: Thank you very much, Buck, for a sensuous, heartfelt, and very articulate presentation.

Questions? Stock.

MR. DAY: Thanks, Buck. You raised a lot of items. I wish we had an hour or two to talk about some of your perspectives. As someone in the armed forces, certainly you've got a national perspective, which is appreciated, and a historical one too. It's along that line that I want to pose a question to you, because from a military perspective history is very important. I understand even Schwarzkopf was studying and using some of the strategies of Hannibal from Carthage in Roman times in his Desert Storm campaign, so history in fact is very important because lives depend on it. You mentioned your faith – I guess I can say that – in a strong federal government as opposed to provincial. Is that correct?

MR. KALLEN: I understand there are several areas where the provinces do indeed have a right. Although I say I claim no province as home, I am a British Columbian by birth. Particularly on the front of natural resources, that province relies on its three major industries of lumber, mining, and fisheries, so certainly I don't believe Charlottetown should have any influence over Victoria when it comes to the well-being of the people there. However, this whole search for national identity will not come to a good end if we have 10 small provinces joined by a single currency. There does have to be strength at the centre – the points I mentioned, foreign policy and defence aside: environment, which does ignore borders, and education – but not direct control. However, they should be able to establish standards where federal money is going to be spent. I understand there's a big argument over who gets what, but the things the central government does have are the ones that concern, you know, more than one or two or three provinces, that in fact have a continental spending effect.

MR. DAY: When we say standards, do you think it's possible for the provinces, the ministers of education or whoever, to get together and agree on levels so there can be some standards? Like you, I moved around the country a lot in my educational years, and it was very frustrating: you're in grade 5 over here; you might be in grade 9 over there or in grade 4 back over here. That has nothing to do with my academic performance, just for some of my colleagues here. Do you think it's possible for the provinces to work together on a set of standards, let's say educational standards, and agree on those and maybe have the federal government as a referee, or are you saying the federal government comes in and lays out the standards for all the provinces?

MR. KALLEN: I wouldn't say it lays out the standards. I'd say that the federal government is in a much better position to impartially investigate the systems nationwide, to investigate how we fall short or how we exceed our neighbours and trading partners, what's required for the next 20 or 50 years. If the education ministers of the provinces are truly interested in education and the well-being and success of our children, then yes, they will find the results.

MR. DAY: Just a final question, Mr. Chairman, and again it's along the line . . . I ask you this honestly and sincerely. Help me to understand from a point of view of history and a point of view of fact and past performance. Let's take education; let's take social programming and caring for people, which you've mentioned, Buck. The native situation, which the federal government has responsibility for, has been a disaster. It's recognized it's been a disaster. Education, social programming, the negotiations have been a disaster. The federal debt is a disaster, and obviously there are provincial debts also. The official policy on bilingualism. The way multiculturalism has been advanced millions and millions of dollars: people are really reacting negatively to it now.

You mentioned the environment. If we were to allow federal environmental standards in Alberta, it would be a disaster, because those standards allow for pulp mills in Ontario, for instance, that would never be permitted here in Alberta because the provincial standard is so much higher. So to help me understand, where do we get the . . . If I'm going to give more power to the federal government or suggest that in the Legislature on behalf of Albertans, what track record am I drawing from? What historical perspective can I offer to my fellow Albertans and say, "Trust me; we should give more of this power to the feds," when we have this other historical record to look at which hasn't been that shiny. I'm not being partisan. I'm not saying the federal Conservatives, the federal Liberals. I'm saying it has not been a shining one.

7:47

MR. KALLEN: I admit that most of my comments tonight have come from – I don't know – maybe a wish book, whatever. I never ever said that the present federal standards for the environment are acceptable or desirable, and I assume that if the provinces were to cede control of the environment or environmental standards to the government, the standards would have to be agreed upon in advance: "What are your intentions? What do you intend to do? This is what we want to see; this is what we want to see." As the most wasteful people on Earth, this is very difficult to say, especially being a public servant, and I understand there's a lot of people out there trying to keep their businesses on their feet, large and small.

We should take this opportunity – we're already in trouble – to establish some of the most stringent environmental standards on Earth, conforming with those from the area of preventing acid rain, scrubbing pulp mill effluvia, and smoke, et cetera. In my mind those are technology-building exercises as well, although, sure, in the short term it's going to cost more. Some people are not going to like this; some people are not going to like that. Unfortunately, we've been blinded, only looking five years down the road both on the federal and the provincial level, looking to get elected the next time around. I understand that as well, but what I don't understand is why the governments have not been able to look far enough ahead to say that if we invest in cleaning up the environment – okay, you say the deficit; it's so easy to suggest without having to actually take action – if we set the standards, encourage the technology to achieve those standards, produce the students who can achieve the technical ability, it's going to roller coaster.

In 50 years this country is going to be geographically and physically changed if we do not start taking action now. I understand there's a whole bunch of arguments. I understand that the standards are not correct, but it's something that we have to pay more attention to. If you want higher pulp mill standards, tell the government that. Insist on it before you agree to pass the environment over to them. You may find that you have common allies in Quebec.

MR. DAY: Thanks. Can I just close by saying that I really appreciate the job you're doing as a Canadian ambassador. We're proud of what you're doing, individually and in the services. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

Also, as chairman I'm going to have to ask the questioners as well as the respondents to keep it brief. We are under time constraints, and we've had three people who have asked to present tonight – four, including yourself – that weren't on the list. We certainly want to hear from everybody, but we'll have to keep them to brief questions and answers, please.

Sheldon.

MR. CHUMIR: Well, in that event, maybe what I'll do is just restrict myself to saying, as Chief Dan George used to say, my heart soared like a hawk to hear your comments, because that's my Canada that I heard, and I think that most Canadians and certainly most Albertans that I run into share that sensitivity for our nation. We've got a lot of work ahead of us to preserve it in light of what's going on.

I had some questions, but I think basically I understand the direction you're going in. In the interests of time I'll leave it at that, so thank you.

MR. ACTING DEPUTY CHAIRMAN: I appreciate that.

Pearl, did you have anything?

MS CALAHASEN: That's fine.

MR. ACTING DEPUTY CHAIRMAN: I don't want to stymie discussion, but that's why, when we originally started out, we asked for presenters to inform us by the end of July that they wished to present, so that we could set out an agenda. We also have to return sometime tonight to Edmonton because we start there first thing in the morning for an all-day and a night session there as well.

At that, John, you go ahead.

MR. McINNIS: I thought we got a little bit sidetracked on the environment question. I mean, it's not the case that Ontario pulp mills are under federal jurisdiction and Alberta pulp mills are under provincial jurisdiction. They're both under provincial jurisdiction, so if you have a complaint about the way pulp mills operate, generally speaking it's the provinces that you have to turn to, which may explain why British Columbia and Saskatchewan or the state of Oregon are building pulp mills that put zero effluent in the water, whereas ours, the new ones, put tonnes in. What I thought I heard you say is that as Canadians you wanted to see us dedicate ourselves to having the cleanest environment of any country on Earth. If I heard you correctly, would you like to see us put that forward as a committee as a national purpose for our country?

MR. KALLEN: That's very well said, and I think that's an excellent idea. I've heard it so many times over the last year that we are the most wasteful people per capita. I believe that has to do with the garbage and packaging side of the house. As for having a clean environment, I think because of our size and relatively sparse population that we're a few steps ahead of, say, what the United States would have to do were they to make the same goal. But yes, definitely, a national effort towards being the cleanest environment in the world: I can't see anything bad about that.

MR. McINNIS: Thank you.

MR. SEVERTSON: I have one brief question, Mr. Chairman. Buck, you mentioned that you understood what self-government meant to the natives. We met earlier this week with a member from the First Nations who said that they are going back to their people to define what self-government means, that they themselves don't know what self-government means. I was wondering what your interpretation of self-government is for the aboriginals.

MR. KALLEN: I understand that the aboriginals, Canada's first people, have an historic attachment to the land, where we have been brought up as or are historically exploiters of the land as opposed to cohabitants. The use of the land involved in the land claims: I cannot detail from one side of the country to the other what their intentions are. They want the freedom to hunt, to maintain their culture and hunting; to control the lands that by treaty were given to them, if not particularly effectively administered, by Canadians in the past; the freedom to live there; the freedom to regulate how they hunt, when they hunt. Again, I have vast general knowledge but nothing specific.

MR. ACTING DEPUTY CHAIRMAN: That's in fairness, because at the last First Ministers' Conference on aboriginal rights one of the largest problems and stumbling blocks was to try and determine what exactly self-government or self-determination by the natives meant, and they themselves could not articulate that very well, so it's understandable.

At that I'll bring it to a close. Thank you very much, Buck.

MR. KALLEN: Thank you kindly, sir.

MR. ACTING DEPUTY CHAIRMAN: Bill Veitch.

MR. VEITCH: Good evening, panel. I really don't know what I'm going to say. I have a lot of views, but a lot of it's been talked about. Just generally I'd like to touch on a few things mainly that I would have liked to have seen in my Constitution.

I believe the Constitution should be for the people of the country, and in that light I would have liked to have seen the people have more input. In fact, I probably would have liked to have seen a constituent assembly or a cross section of people across Canada, including the odd politician perhaps, to draft a Constitution and then have it put to us by referendum to vote on, because I think the Constitution should be for the people, not for the government, and I don't like it to be imposed upon us by government.

The omissions that basically I see – we had a citizens' forum in Wainwright, and we had some 13 tables with 10 to 12 in number at each table. There was great unanimity in the fact that everybody was concerned with our economic plight of Canada. It's well and all to say what we want to have in this country. It's a desperate thing to watch our country being plunged into massive debt, and I don't know what right governments have had to mortgage the future of our children and leave a legacy of debt to them. I think it's gross mismanagement. In that light, if I could have made a Constitution, I would have had a clause entrenched in there that governments cannot deficit finance, period. When we talk about the debt, the governments will come back to us with, "Well, we'll cut your medicare system," or we'll do this or that, or, "You demanded too many social programs from us."

7:57

I'm not sure that I demanded anything. I think it was offered to me on a platter at election time, one party vying with another. I would like to see it spelled out when I have my three seconds of democratic action in this country. That's the time it takes me to make my X. I'm getting a little bit more of it now; I'm getting heard here. But I would like to be able to control the government some way in their spending, and I'd liken it probably to the 28 states in the United States that have some measure of control on spending, whereby I think some of them have to put 1 to 3 percent away for an emergency. Some of them are limited to $100,000 to $300,000. I would like to leave this country better than I found it. I'm only here a little spit in time. I've raised five children, lost one of them, but I have four, and I would like to leave it a nice place for them, and I'd hate to leave a bunch of debt. I would like to have seen our Canada pension plan put in a growth fund, and I give credit to Quebec for opting out of the Canada pension plan and putting it in their Quebec fund where it's a growth fund, as I understand. So economics is a big part of it.

The Senate. I'd just touch briefly on the Senate. I do believe in a triple E Senate. I believe in the equality of provinces, and if we cannot have that and if we want to have democratic control, some control, over our government spending, then there are other options.

I perhaps would have liked to have had entrenched in our Constitution the right of the people to initiate legislation. I can give an example of Proposition 13 in California, where the people formed legislation for the government to cut spending 15 percent. Along with that, why cannot we vote by referendum on some major issues at election time? Can we not have 10 or 15 or 20 things spelled out there? "This is what they're going to cost you. This is what's going to happen to your taxes. Do you want user fees, or do you want to increase taxation to build more hospitals?" Why cannot we have those rights? I think it would be quite simple. We need to be educated, but there would have to be advance education done on the facts put before us, and honest facts. I think the people are getting very mistrustful of governments because of this debt, and we don't think we're having a say. We don't think we're having representation from our MLA or MP. We don't think they represent the majority views of our constituencies because they're voting on party lines, and we'd like more free votes. I would. I would like more free votes. Vote on the merit of the issue, and let's keep Canada a great country.

I was going to say when I started that I was born in Saskatchewan in 1928. When I was two, I saw the advantages of Alberta, so I moved my family back to Alberta. I've lived here since, and I'm really proud to be an Albertan. I do root for the Saskatchewan Roughriders once in a while, though, too.

I think I'll stop with that.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Bill. So do I root for the Roughriders. That's good.

Questions? Pearl.

MS CALAHASEN: Just one, Mr. Chairman. You were talking about putting a vote to a referendum. One of the problems with putting anything in terms of a referendum is who would write the questions that would be brought forward in a referendum. That's always been a perennial question relative to that kind of an idea. What would your suggestion be for that?

MR. VEITCH: That would be the triple E Senate that's representing it.

MS CALAHASEN: That's not on party line, right?

MR. VEITCH: Yes, I see. But supposing it was the parties that are running in an election, and they did it at that time. They could put forward their platform or some major issues in it, four or five. I wouldn't like to see every little infinite detail. You've got to have some freedom as times change. They need some flexibility. Could they not put their major points out as a vote, and if they're elected, then follow that for four years? I would like the preset elections too. I like that idea so that everybody has an equal chance at the advertising.

MS CALAHASEN: So you're saying, then, that kind of a referendum should occur during the election platform time?

MR. VEITCH: That would be the most economical time to do that, yeah.

MS CALAHASEN: Because it would be quite expensive if you were to do a referendum on major issues and try to get that out into the public and voting. When you're talking about voting, it seems like there's only a certain amount of people who come out to vote. What then happens? Do you go according to the ones that vote and forget about the ones that don't come out and vote? Then you get dissatisfaction from those who don't vote. How would we then be able to look at that?

MR. VEITCH: Do like Australia and fine them if they don't come out and vote. They get 98 percent, I believe.

MS CALAHASEN: Okay. Thanks.

MR. ACTING DEPUTY CHAIRMAN: Further questions?

Thank you very much, Bill.

Lewis Spilde. I hope I didn't ruin your name as well.

MR. SPILDE: No. Most people do. You're unusual. The only place they pronounced it correctly was Iran. The "e" on the end means that you're from that location or of the family or something like that. But everybody else drops the "e."

MR. ACTING DEPUTY CHAIRMAN: So, proceed.

MR. SPILDE: There isn't enough to go around, but a lot of this has been submitted already.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

MR. SPILDE: I'm a farmer from Provost, a professional engineer, and I took my public schooling in Cadogan and Provost. I have a BS, Oregon State, and I've got a couple of terms of American political science. I've worked in many locations in Alberta, and I've also worked in Iran. I've traveled a fair bit, from Japan to Iran, east and west, then Chile to Norway, going south and north.

The first thing that I hear from the politicians on occasion is that they sometimes view people as being kind of schizophrenic malcontents. Here they want to elect an appointed body, the Senate, as a check on the House of Commons, and then they want another appointed body to be able to check the Legislative Assemblies. I tend to think that what ends up is that people want more checks and balances in the system, and the judicial system is not a panacea for rights. All we have to do is to compare the results of the persons case in 1928, when the Supreme Court decided that women were not persons eligible to be represented in the Senate. If you compare that with the little brochure from 1910 from Provost that I handed around, you'll look and see that there's an article on the mock parliament that was held at that time. They voted for women's suffrage, which is seven years before it became reality in the province. Provost at that time, 1910, had just got the railway there, so that's the first edition of the paper.

8:07

There are problems with equitable representation. The one way to look at it is that each constituent should have equal weight. The problem is that each MLA and MP represents more than one constituency: there's the individual, and there are cities and then federal, and there are provinces. John Roberts, in a program on Access Network on the responsibilities and accountability of cabinet ministers, indicated that in reality a cabinet minister did not have that much control over the department, and he said that when the House of Commons was sitting, he was supposed to be there daily. One day was a meeting for the Toronto MPs, another day they had a meeting for the Ontario MPs within caucus, and the third day they had a Liberal caucus meeting. The thing I found amusing about that: he said that he didn't have one day for his constituents. So he represented Toronto and Ontario better than what he did the individuals.

Along the same lines, on the provincial basis, is that Jan Reimer rejected an MLA representing part of the city and an area outside the city. There are already, I think, 17 MLAs that look after the city of Edmonton's problems. Butch Fischer looks after six villages, two towns, 3 MDs or counties or maybe more. He's got two whole MDs and partial counties. One of his problems: if he gets something coming out to his area, he's got to spend time explaining why it goes in place X instead of place Y, because it affects their tax revenues. The 17 MLAs in Edmonton – it doesn't matter if it goes in their constituency. If it goes into the city of Edmonton, it helps their tax bases. It's a problem.

My experience in industry has been with an oil company. We had 237 joint ventures. These all worked on the principle of one vote for a share or a percentage interest in that joint venture and another vote for each company that was in that joint venture. In that way the big companies could not put in provisions that would be harmful to the small companies, and then the small companies could not impose going the other way. It's a system of checks and balances on size, and it's very difficult to do on a provincial basis with just the one House.

Another comment I've got is with regard to establishing Senators on the basis of region, the way that we are told it is being set up. I disagree with it, but that's a later point. There's no such thing as a region in government jurisdictions. We don't have a regional government in the west, say, of B.C., Alberta, Saskatchewan, and Manitoba. There's no sitting there. They're actually four identities and not one.

My other comment is that when you start grouping provinces together, whether the criteria is a region – or there are other ways of doing it too. My comment is if somebody wants to say that a grouping is acceptable, I say let me make the grouping. We could say that the six largest provinces get the same number of Senators and the four smallest provinces plus the Northwest Territories and Yukon get the same number. That way it would be very good for western Canada in that the four western provinces would have the same number as Ontario and Quebec, and Yukon and Northwest Territories would have the same number as New Brunswick and Nova Scotia. It's a problem that comes up with grouping.

Another thing is that we don't need to put in the ability to be able to elect the Senate. It already exists in the Constitution, if we were to read it correctly or more precisely. I've got another memo here that I sent in before. If you read the English version of your voting rights, it indicates that you have the right to elect a representative to the House of Commons and a Legislature. If you read the French version – and I have to paraphrase it; my phonics are terrible in French – it indicates that you have the right to elect representatives to the federal and provincial Legislative Assemblies. In the English version they didn't specify provincial Legislatures; they just specified Legislatures. Parliament is a Legislative Assembly, and Parliament consists of the House of Commons and the Senate and the

Governor General. So by right, particularly in the French version – and both hold equal weight – we already have the right to elect a Senator and the Governor General. This is one of our rights that is in the Charter that we haven't been given as a people. The Senate distribution in the Charter of Rights fails to meet the conditions of the Charter of Rights, and the Charter of Rights supersedes the rest of the Constitution. I've got some more details on that.

8:17

One of the things you'll notice in the history of the distribution of Senators is that up until about 1915 Senators' allocations changed almost as frequently as the House of Commons. It worked on a geometric progression, which meant that the number of Senators was not established by proportional representation, nor was it fixed; it was somewhere in between. Mathematically I've worked it out; it varied as to the square root of the population. It meant that a larger province got more Senators than a smaller province, and you didn't have B.C. and Alberta, which have populations larger than the total maritimes, having fewer Senators than individual provinces of another region.

MR. ACTING DEPUTY CHAIRMAN: Garry will hand those out.

MR. SPILDE: Basically, the only section of the Charter of Rights that one can opt out of is the language. The other one is with regard to social programs. Multiculturalism is included, and you can't opt out of that, but the federal government only has a policy of supporting language claims based on the English and French minority clauses. I view that language is part of the culture, and as such the government may not be required to provide a service in that language, but I see no reason why they should ban it. I think that does not follow the principle of multiculturalism.

These are just some miscellaneous comments from previous talks.

Provincial governments set the standards for pollution, but the federal government has guidelines which the provinces can use to follow. In the case of sulphur plant emissions, the Alberta government superseded the federal standards by quite a bit.

There are some other memos here that I could probably pass around.

MR. ACTING DEPUTY CHAIRMAN: Yeah. Garry can take them from you, Lewis.

Okay; do you have any questions? Sheldon?

MR. DAY: No questions, Mr. Chairman. Just thanks for bringing this. It's interesting to see here that 81 years ago we had an advertisement from a store, and it's saying right in the middle of their ad: equal rights to all; special privileges to none. We're hearing a lot of that, so thanks very much. I appreciate this piece of history.

MR. ACTING DEPUTY CHAIRMAN: By coincidence, too, our first speaker today when we arrived in Wainwright was the current editor of the Provost paper.

MR. SPILDE: It's changed names. It's now the *Provost News*. It was the *Provost Star*.

Thank you.

MR. ACTING DEPUTY CHAIRMAN: Well, thank you very much, Lewis. We do have your previous presentations that you've sent in as well, so we'll co-ordinate the two. Appreciate that.

Our last presenter for this evening is Roger Holmes. Hello.

MR. ROGER HOLMES: Mr. Chairman, my name is Roger Holmes. I am the editor of the *Wainwright Star-Chronicle*. My little brother Richard is the editor of the *Provost News*. I welcome you to Wainwright, because I am also the president of the Wainwright and District Chamber of Commerce. So if you haven't already been welcomed, before you leave, welcome to Wainwright.

MR. ACTING DEPUTY CHAIRMAN: Thank you. In fact, your mayor, Roger, was a presenter this afternoon, and he brought greetings from the community as well. It's our pleasure to be here.

MR. ROGER HOLMES: Thank you. What I want to give you here is not a lot more of the analysis that we're currently going through. I want to give you some vision, because when I was going through the Citizens' Forum on Canada's Future in February with my working group of about 15 people and I asked the group to think about what their vision for Canada was, I kept coming up with the fact that I didn't have a particular vision for Canada myself. So I sat down and wrote what my vision for the future of Canada is. I wrote it from a slightly different perspective, because hindsight is often much sharper than foresight. I took the perspective of the fact that it is now the year 2091, so come with me for a moment to the year 2091.

Canada has emerged as a leader in the world. Her economy is one of the strongest, and her people are one of the most productive. She has 100 million people. She is entering her finest century. One hundred years ago this nation was paralysed with problems and seemed incapable of dealing with the situation that threatened to consume her. At that time, the people seemed to be lost, wandering in a sea of self-pity and self-doubt. Her three levels of government, a system of ineffective relics from her colonial past, were killing the country. That was before the revolution.

The great revolution came to Canada in the year 2001. It was the first truly bloodless revolution the world has ever seen. That was the year that Canada threw out her past system of government and replaced it with the present system. You see, before the great revolution the people of this country were governed by several layers of government, and the country was divided into artificial regions called provinces. Provinces under the old system were arbitrarily drawn up and given power over the land and the people. They were all different governments and enacted different laws in 12 different regions of the country. Each one had elected officials who seemed to spend most of their time dreaming up ways to place new rules on people and to put new taxes in place to pay for a system of government. They relied on the false notion that governments can and should create wealth and jobs for the people.

8:27

I know it seems strange now to think there was a time in our history when we felt the country owed us a living, but that very much was the feeling of our people before the great enlightenment of the revolution. Before that, people had been fooled by the politicians into thinking government could give us more than it was taking from us. It took a long time for us to figure out that this simply was not possible. It took even longer to figure out that we did not want a government based upon the concept that they would take wealth from somebody else and give it to us. The revolution of 2001 found its roots in a relatively insignificant action by what was then called the federal government. One Brian Mulroney unwittingly became the father of the revolution in 1991 when Canada was at its lowest point. The government had lost touch with the people to such a degree that even they realized it. They decided it was time to ask the people what should be done.

A thing called the Citizens' Forum on Canada's Future was created. It spawned the 2001 revolution by going straight to the people to find out what kind of country they wanted. The report they produced was spurned by the government of the day. "Too radical," said the Conservatives. "Not the Canadian way," said the Democrats. "It will never work," said the civil servants. "Trust us," said the Liberals. At this point the people rebelled, and the result was the great bloodless revolution of 2001.

What the 2001 revolution gave us was a country that was not divided into artificial regions. The new Constitution that was drawn up by the founding citizens totally eliminated all provincial governments. It forbade any government to borrow any money. It abolished all forms of taxation except for the constitutionally established 10 percent tax on the gross national product. The dominion government was given one-half of this revenue and local government the other half. By the power of the Constitution, no government had the power to raise taxes. If the people produced more, the government received 10 percent of it and nothing more.

The dominion government at the time was given responsibility for education, protection of the environment, communications, transportation, national defence, national health care, and our relationships with the rest of the world through the United Nations.

Prior to the time of the revolution Canada had two official languages, French and English. This policy had the effect of dividing the country. The revolution brought the official use of our current language, Esperanto, into the Constitution as the only language of the government. Canada was the first country in history to adopt what we now know as the world language of Esperanto. By the UN Halifax convention of 2074, all governments in the world have adopted it as the official working language of the world. By constitutional amendment, immigration to Canada was opened to anyone who could make a positive contribution to the gross national product. People from all over the world poured into Canada as a result and went to work building the nation we know and love today.

In the area of communications the new government realized that Canada had a unique challenge, because of geography, to communicate effectively with itself and enacted what is now the world standard in communications policy: a telephone, computer, and interactive television policy that gave each Canadian the ability to communicate with any person in the country just as easily and at the same cost as talking to the person across the street. It seems like such a simple concept today, but at the time it was considered very strange.

The other major task underwritten by the government at the time was the new national dream. Using the latest in Canadian technology, the transportation department built the most efficient system of transportation the world has ever seen. To this day it is considered a marvel of engineering. It is still paying vast dividends to the country and has contributed a great deal to keeping this nation together. It has made it possible for this country to compete and prosper in world markets. This, of course, is what has come to be known as the national conveyor system. Built over 20 years by a nation committed to the concept, it has brought a continuous supply of reliable, economical transportation to this country. It has made us a world leader in materials movement technology. For the first time in history the movement of goods and people across land is cheaper than moving goods across water by ship. It is built as a continually moving, high-speed conveyor belt going in both directions on the old railway rights-of-way. It uses the 2020 CANDU clean reactor to power it at high speed. It has the ability in its container design to take passengers and cars much like the old ferry service, all manner of raw goods, raw materials, et cetera, up and down the country at rates of efficiency only dreamed of by our ancestors.

The great revolution was also the time when governments got out of business. It was realized that people hold the key to economic well-being and that governments only cause problems when they interfere in the free market system. However, environmental standards were raised at the time to sustainable levels and were enforced mercilessly. Looking back over the past 100 years, it is hard to imagine what it was like for our grandfathers to struggle under the system they were burdened with. It was the only system they had. The fact that they did not let their past stand in the way is what has given us the fine country we now enjoy.

In the past hundred years the United States has risen and fallen much like Great Britain in the previous century. China has emerged as a great nation, India is now a world power, and the nations of Africa and South America are just starting to become major players in world markets. We have seen the Soviet Union divide into 20 smaller countries and join the European community. Australia is just beginning to take her place in the world. We have come a great way in a hundred years, but there is still much to do. Canada will go forward because it is the will of the people that drives this country, a people proud and free from sea to sea.

MR. ACTING DEPUTY CHAIRMAN: Thank you. Questions?

MR. McINNIS: Can I ask a question? Presumably you just took a clean slate and sort of decided to dream a little and see the way you might like things to be. Can you explain for me why you felt that vision would include doing away with all the provinces?

MR. ROGER HOLMES: Basically, I sat down and said: why have we got provinces? I mean, we just assume we have provinces and therefore we must keep them. I looked and said: what can a province deliver to me that cannot be delivered by a strong central government and a strong municipal system? What good are these provinces doing to me, and could we dispense with them? Could we bring provincial aspects closer to home so we have only municipal government and a federal government? The more I thought about them, the more I convinced myself that provincial governments do nothing for us other than keep us apart and make us distinct from each other. They do nothing to really help us that can't be done at a federal or a municipal level. So I dispensed with them.

MR. McINNIS: I presume the reason our forebears created provinces – partly it had to do with the pattern of settlement – was that there were differences or they felt there were differences between the regions. What's curious to me is why you would go that way, for a unitary, national country, as opposed to doing it with a national government and keeping the provinces. What is there that would draw you to the nation Canada as opposed to the province Alberta if you're thinking we've got too much government?

MR. ROGER HOLMES: I don't understand the question.

MR. McINNIS: Well, it seems to me that if you take the argument that there's nothing that extra level of government adds, why would you say it should be one country, Canada, as opposed to one province, Alberta?

MR. ROGER HOLMES: You could take that view. I just don't share that view.

MR. McINNIS: Yeah. I was just curious why you thought it should be that way.

MR. ROGER HOLMES: Simply because I think we have a marvelous country, and I just don't want to see it come apart. The question you're asking is: let Quebec go; let B.C. go; let the maritimes go their own way. That's one view, and that is a possibility. This country is certainly large enough, especially by European standards, to support a lot of different countries. But it was just my view that the country Canada has an emotional hold on a lot of us that I would like to see us maintain, although I don't see the provinces contributing a lot of positiveness to the cohesiveness of the country and I felt they could very well be expendable.

MR. ACTING DEPUTY CHAIRMAN: Any other questions? Stock.

MR. DAY: Just briefly, succinctly, the same question I asked Buck. What gives you the faith, with nothing historically in place, from my perspective at least, to substantiate that a federal government can be eminently wiser than local, regional governments?

MR. ROGER HOLMES: Primarily, Stock, because most of the really crucial decisions are going to be made closer to home at the municipal level. Most of the power is going to come right down to the guy that lives three doors down and across the back alley from me. I'm going to walk down the street and look him in the eyeball. That's how it's going to happen. That's the concept.

MR. DAY: So in fact the decision-making would be largely local.

MR. ROGER HOLMES: Largely local, yeah. Also – it's not in here, but it's in my mind – the local guy . . . You see, I only elect one guy. I don't elect a federal politician. I elect the guy down the street from me, and he's the guy I hold accountable for federal decisions as well as provincial ones. I only have one politician, and I only look one politician in the eye. I don't have a councillor, I don't have an MLA, and I don't have an MP. I have one guy that I elected. He's it for me, and he's responsible for whatever goes on in the country. He's close to me and I can get hold of him because he's also running my town council.

MR. DAY: Since the decision would be local, you wouldn't have him sitting in Ottawa all year. There wouldn't be any big, long session.

8:37

MR. ROGER HOLMES: No, he's not going to be in Ottawa. He's going to live down the street. We've got an interactive television system; he is zapped in everywhere. We connect all our minds together. Bill's referendum concept: you just push the TV on and, boy, you've got instant votes and you can tally that up, zappo, you know, so you know where we're at.

MR. DAY: It's just my luck I'd get the wrong number.

MR. ROGER HOLMES: Right.
Anything else, Mr. Rostad?

MR. ACTING DEPUTY CHAIRMAN: It sounds innovative. Can you zap me to Edmonton?

MR. ROGER HOLMES: Right.

MR. ACTING DEPUTY CHAIRMAN: Well, Roger, thank you very much. That's a very innovative way of making a presentation too. Thank you.

MR. ROGER HOLMES: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Obviously a publisher and editor.

Well, that's our last presenter for our appearance in Wainwright. As I mentioned, your mayor, Roger, was here earlier today and made his presentation and also, on behalf of the citizens, welcomed us. As well, your MLA, Butch Fischer, gave us a warm welcome. Indeed, it has been.

I think we've had some sensuous, very articulate, and innovative presentations today. As I mentioned, all of it is in *Hansard*, which is a public document. I'm sure Butch would be delighted to obtain a copy for everyone to know exactly what your fellow citizens have said, and there may be people who weren't at the meeting who'd be interested in knowing what they said. We will be taking that and sharing it with our other panel. We meet tomorrow in Edmonton, with presentations from early morning till late at night, and then the public presentation part of our job will be complete.

We'll then be meeting sometime down the road with the federal committee that was just struck two days ago to discuss the proposals they've put. We have already met with the Ontario provincial panel and, of course, with Mr. Parizeau from Quebec, but we'll also be meeting with other panels and then sitting down and trying to formulate Albertans' view of where Alberta should be in the new Canada, and it's definitely a new Canada. I hope that geographically it's the same Canada, but I'm sure it will be different internally, as we've heard today and have heard in every other place.

We thank you for your participation and thank Wainwright for the great hospitality. We can recommend The Honey Pot anytime. That's no slur against somebody else that may own another eating establishment in town, but it was delightful.

Thank you very much.

[The committee adjourned at 8:40 p.m.]

9:10 a.m. **Friday, September 27, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Good morning, ladies and gentlemen. I'd like to get under way despite the fact that some of our panel members have not yet arrived. I think we have sufficient numbers on hand to commence the day, and since we have a rather large number of people, we would like to get going.

First of all, I'm Jim Horsman. I'm the MLA for Medicine Hat and chairman of the select special committee. This is the final day of our public hearing process. We'll complete two weeks of hearings this month as well as the eight days of hearings we held in the month of May and early June. We'll have seen several hundred individuals come before the committee to make their views known as well as representatives of various groups and organizations.

I see one of our colleagues is just arriving on the scene, so I'll start on my right and have each of my colleagues introduce themselves briefly.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MR. McINNIS: John McInnis, Edmonton-Jasper Place.

MR. ROSTAD: Ken Rostad, Camrose.

MR. CHUMIR: Sheldon Chumir, Calgary-Buffalo.

MR. CHAIRMAN: The other members of our panel are Pam Barrett, MLA for Edmonton-Highlands – I think the host MLA since this would be in her constituency, I believe – Pearl Calahasen, the MLA for Lesser Slave Lake, and Stockwell Day, MLA for Red Deer-North.

To get right to work, then, I'd like to ask Dr. Brigham Card to come forward and make his presentation. Good morning.

DR. CARD: Is it all right to let my translator sit beside me?

MR. CHAIRMAN: Absolutely.

DR. CARD: All right. Rosella ManyBears from the Indian Association of Alberta and a Blood Indian.

MR. CHAIRMAN: Thank you.

DR. CARD: The Bloods are my neighbours from southern Alberta.

I would like each member of the committee to have before them, as we start, the brief that I've got, and it should be in relation to the figures. Are they available now, or should I distribute a copy for each person?

MR. POCOCK: I have distributed copies of your presentation, sir.

DR. CARD: There are two parts to my presentation. You should have figures to go with them.

MR. CHAIRMAN: Yes, I think we have that material available.

DR. CARD: Okay. Then you just need to add this to them.

MR. CHAIRMAN: All right. Thank you.

DR. CARD: Well, gentlemen, what I have to say will be introduced by my title, and I'll call on Rosella to say the words that I can't say well.

MS MANYBEARS: [remarks in Blackfoot]

DR. CARD: I'm going to try. [remarks in Blackfoot] In French: je compte; nous comptons. I count; we count: the motive suggested from the card for census day shown on the front title. That's the introduction to my brief, and that's the theme that I'll make.

Now, in this brief I am not trying to put anybody in Canada down. I am trying to raise us up to a higher level of thinking and performing. I express appreciation for the privilege of helping here, because what I want to do is to help reconceptualize Canada, its political realm, and its Constitution.

I've already stated my premise that Canadians count and are worth while. Rosella, what does what you have said to us mean in Blackfoot?

MS MANYBEARS: The first one. [remarks in Blackfoot] I count.

DR. CARD: All right. And then: we count. The way I heard it first was that I am worth while, we are worth while. That is the theme that I have in this paper. My fundamental value is life itself, shown on figure 1.

Then we'll flip over to figure 2. The Constitution and Canada need to reflect these processes: order and predictability; exchanging, contesting with internal and external environments; and creating, becoming more complex. Canada is presently correcting its life-threatening forces by striving through creativity for better exchanges, contests, and greater order and predictability. My moral position is that Canada is most fully moral as an integrated, united country rather than as a divided, disunited country. This may seem paradoxical in the rest of the brief, but it is a way to unite Canada in the most effective way that I know, and I express this in my brief. I won't elaborate on that. I've stated my moral position. I'm saying that Canada needs a comparative view of the country and its Constitution. This comparative view then can take place in the perspectives we have on knowledge or what I call knowledges.

Figure 3 enables us to orchestrate the kind of knowledges we call on to produce a united Canada if we feel that a united Canada is our moral purpose.

With these premises and values in mind, I would just say that the Constitution I would like for Canada would be one enriched constantly by comparisons self-consciously, multidimensional to adapt to the geographic and socio-economic realities of Canadian space and peoples, and above all reflexive; that is, willing to examine and consider all aspects of Canadian society and its government both favourable and unfavourable, to learn from them and take a moral position to improve that which needs improving. I'm encouraged by this process. I think it's starting in Canada for the first time. Here I would like to have you take a look at figures 6 and 7 to see where we need to be looking at the levels and at the complexities of life, which should be reflected in our Constitution.

On top of page 4 that word "statue" should be "statute." I didn't get it corrected.

Now, this weekend is the 50th anniversary of the Faculty of Education at the University of Alberta, which prompts me to say that we need, in addition to the kind of Constitution that I've listed, a teachable Constitution that can be taught, learned at an early age at home as well as in schools and universities or government buildings. With this thought in mind, I propose an additional functional dimension in Canada's Constitution: the evaluative/reflexive. I won't say why it's needed, but I will now go directly into that recommendation.

In order to conserve the momentum of constitutional reform and to better assure a living Canadian Constitution, I propose the creation of a standing commission on Canada to monitor, evaluate, and reflexively consider all aspects of Canada's government, particularly at the federal level, including political party structure and performance, media relations and impact on government, and quality of interaction between federal and other levels of government. The commission would have a rotating membership of three appointed for a three-year term. They would be selected from among the best qualified persons in Canada to fulfill the evaluative/reflexive role in a nonpartisan and effective manner. They would be expected to produce an annual report on all or any aspects of government they choose. The report should be ready for distribution nationwide in June for study by political personnel and citizens. It would be considered in the fall sitting of the federal Houses.

The standing commission on Canada would serve to keep alive an ongoing debate or dialogue on Canadian government and the Constitution. It would be roughly comparable to an Auditor General and to an Ombudsman with respect to Canada's government as a whole, while universities, think tanks, the media, political parties, and government agencies would still have their role to play as evaluators of their own performance and their reflexivity. The standing commission would supplement their efforts and focus on its mandated mission: to examine evaluatively/reflexively government performance as a whole in Canada for its contribution to basic democracy, to sportsmanship and integrity in politics, and to Canadian integration and unity. That is my recommendation.

I might say that there are parallels in the United States for what I'm saying. I have talked this over with political scientists of stature in the United States, and the ones that I've talked with have urged that this be considered seriously. I haven't had time to develop this within Canada, although I think the people I've talked to, who haven't been political scientists, have agreed this is a valuable contribution.

Enough about that. Now we consider the basic structure of Canada's federal and provincial governments with a view to strengthening basic democracy, minimizing overlapping jurisdiction, reducing the asymmetry in the government structure and operations across Canada, lowering the economic and cyclic costs of government in Canada, and hopefully reducing the necessity for partisan rivalry, patronage, and competition bordering on conflict in the pursuit of political power. This is a big order. I offer these constitutional directions for the future to extend the scope and spirit of the recently released Shaping Canada's Future Together, which is a document I think is worthy of deep study by everyone in Canada.

My suggestions may be taken as one way to go to offset the dominance of Ontario and Quebec in political life by recognizing them as superprovinces functioning or capable of functioning as regionalist states, something that Quebec essentially seeks and Ontario is ready for. To compensate for their superordinate provincehood, also for an anachronistic legal myth of provincial equality, which is a disservice to Canada, the four provinces, the Atlantic provinces, and the north and aboriginal peoples could combine to form two regionalist state entities in addition to Ontario and Quebec and one equivalent entity combining the north and Canada's aboriginal peoples. This would make in essence five Canadas: Atlantic, Quebec, Ontario, west, and aboriginal/north. This model, developed by Thomas J. Courchene of Queen's University, would make possible the evolution of federal/central powers to the five Canadas and allow governmental development closer to where Canadians actually are, especially in the west, the Atlantic, the north, and across Canada for aborigines.

9:20

Next, using Switzerland as a model and to a degree the United States and some other governments, one could anticipate a smaller, more streamlined federal government with defined responsibilities, some concurrent with the Canadas. This line of thought serves two purposes: one, a contingency plan for Canada as a whole should the monarchy as an institution cease or no longer be wanted. I could give you documentation on that point. The parliamentary system, based on tight party discipline and constant struggle for power, may be unwanted by any part or all of Canada. I would recall the struggle for one prairie province that went on in the Northwest Territories, 1902-1905. A corollary of this model would be the creation within Canada of political units within Ontario and Quebec, some of the western provinces, similar to cantons, to bring democracy closer to people and allow decentralization of government within present provinces. This is a devolution at the provincial level which is already in progress within Canada's larger provinces for administrative purposes. It invites self-government of a cantonal nature, would readily incorporate into the Swiss model. It would avert the problem of oversized entities such as California or Texas in the United States, one containing a greater population than Canada, the other over half of Canada's population. The ramifications of the above suggestions are still to be worked out as shown in figure 8, and that is a new contribution.

On the basis of this line of thinking, I would recommend that the western provinces and the Atlantic provinces creatively explore greater union among themselves as potential regional estates and that all the larger provinces consider decentralizing their own powers cantonally and, indeed, their own usefulness as provinces of Canada in the future as it moves toward greater decentralization, strives to bring government closer to people, and seeks to improve on the limitations of parliamentary government with its costly and rigid party discipline, great policy swings in government, and abuses of patronage and exclusion of poor and native Canadians from vital political processes.

Brigham Y. Card, emeritus professor, University of Alberta. I call attention to the note and to the acknowledgments.

MR. CHAIRMAN: Well, thank you very much, Dr. Card, for presenting us with this very interesting and, if I may say so, challenging model which you've suggested.

My colleagues may wish to ask you some questions or make some comments on your presentation.

MR. McINNIS: Dr. Card, I do have a question. The proposal to create the five regions within Canada: would that involve doing away with provinces as we now know them? It seemed to me later on that I heard you talk about still having provinces and subregions within provinces as well. Is this an additional layer or instead of provincial government?

DR. CARD: Mind you, we're in a creative mood now, and we're trying to think about alternatives and possibilities and develop a standard against which we can compare our present level of provincial/federal government, which has never been level of provincial/federal government, which has never been done before in Canada very directly that I know of. I think some parties, like the COR Party and the Western Canada Concept, have been working in their ways, but what I'm using is an extension of the Courchene model, and I'm taking the Swiss model to more of a logical conclusion. I'm doing it to provide a fresh way of thinking on Canada.

You know Ontario and Quebec are divided into large administrative regions. It's a long way from Thunder Bay to Toronto and from the Prime Minister's birthplace to Quebec City. I think we've got some problems related to our size and our space and our geographic obstacles to communication despite modern technology and interaction among people which would make this a valid way to think, if not to go. It would mean that certain provinces, like Alberta, for example - why couldn't we have two Albertas of one kind or another, a north and a south or a central? You have Calgary already set up to be a capital for the southern section and Edmonton here. To make a joke you may have heard, we then could avoid the form of capital punishment where a Calgarian is sent to Edmonton to work.

MR. McINNIS: Where I'm familiar with the concept of regions in the sense that you've outlined it is when it comes time to count votes - for example, a ratification formula or a amendment formula for the Constitution - sometimes it's proposed that the west collectively have a veto balancing the population of Quebec or Ontario. Also, for Senate representation some people suggest that the equality should be calculated on a regional basis. I just wondered if that's what you're referring to.

DR. CARD: Yes. That's what Courchene is working toward too.

MR. McINNIS: That's what I thought.

DR. CARD: The experience we've had in the last three years with Meech Lake shows we need very much a change in our amending formula. The federal government is working on it seriously. If the Atlantic provinces could even come together as provinces with a united stand, with, if there has to be dissenter, a known dissenter but he does it as himself for the united Atlantic provinces and not for all of Canada, that would, I think, add to the process of developing sound constitutional revision.

MR. McINNIS: How do you then deal with the argument that that creates two classes of provinces? Ontario and Quebec effectively would have a veto, but within the west each of the provinces would be part of a regional bloc.

DR. CARD: It depends on how you define, put your qualifiers on that, it seems to me. Now, in Switzerland there are cantons that are bifurcated; they're double cantons, and they each have a vote. It seems to me we can look in this direction to get some inspiration for the way to go in Canada, but I am against one province having a veto power, whether it's Ontario, Quebec, or any other. The reasons for having that veto power right now in Canada I think are anachronistic, and we need to work together as we've never done before to rise to a higher level of organization and thought in terms of the essential regions that we are. That doesn't mean we have to divide Canada, because we are thinking in that direction.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Dr. Card, this would certainly be a very decentralized Canada rather than the centralized Canada which some people are advocating. What powers or responsibilities would the federal government be left with?

DR. CARD: I haven't got time to spell that out in my brief. Courchene touches on it. There's a book that's come out. I've got it here; I'd better show it to you. Let me just say that at this time in the world's history this decentralizing function, process is going on in many countries. It's a challenge to every centralized government that has been developed at this stage in the world's history. This has been picked up by Courchene. It's picked up by Calvin . . . Oh, his name is sitting there on my desk. I forget it here. I know it as well as not. It's in the note.

UNIDENTIFIED SPEAKER: Massey.

DR. CARD: Calvin Massey. There is an off-the-press copy for you saying essentially the same thing from a very theoretical point of view, so it's not a new idea.

The United States is suffering from overcentralization. I've interviewed the people at the Center for the New West in Denver and political scientists on the coast and citizens, and the western United States is becoming restive and has been for the last 12 or 15 years at being a forgotten nation within that country. What I'm trying to set up here is a way that no part of Canada will be a forgotten nation with the centralization we've had since 1867.

9:30

MR. CHAIRMAN: Okay. So you haven't spelled out the responsibilities the federal government would still retain.

DR. CARD: This would be a fruitful task to undertake.

MR. CHAIRMAN: Yes. Any further questions or comments?

Well, thank you very much, Dr. Card, for your very interesting and thought-provoking presentation. The time and effort you put into doing this is indicative of your great love for this country and your concern for its future.

DR. CARD: Je vous en prie. Thank you.

MR. CHAIRMAN: Thank you.

I understand that Leo Coyle is not present. If not, I'd ask Randy Boissonnault of the University of Alberta Students' Union to come forward. How did I do with the pronunciation?

MR. BOISSONNAULT: Well, it's very close.

MR. CHAIRMAN: Okay, thank you.

MR. BOISSONNAULT: Mr. Horsman, hon. members of the committee, thank you very much for listening to a presentation from the University of Alberta Students' Union this morning, and good morning to you all.

The next several months will represent a turning point for Canada. What Canada is, what it provides to its citizens, and what it represents will be debated by councils, committees, and Canadians alike. For this debate to be complete, the needs and desires of postsecondary students must be heard, for we, too, have a stake in the future of our country. It would be presumptuous of us as an organization to suggest to the committee a view on national unity, as we are elected for our expertise in issues regarding postsecondary education and not national harmony. It is for this reason that this brief will deal with the current situation of postsecondary education in Alberta and changes that it may undergo as we head into deep and meaningful constitutional talks. I am a representative of some 30,000 students who see the current constitutional challenge as a chance for reform. If the country is being restructured, postsecondary education must be a priority, as it represents a solid investment in Canada's future. For this to happen, the current state of our universities, colleges, and technical institutes must improve.

My presentation this morning will consist of three parts: first, a discussion of the relation between postsecondary education and our ability to compete internationally and the state of advanced education in Alberta; second, a summary of the policy-related concerns of the U of A Students' Union which are not directly related to constitutional issues; and finally, the position of the Students' Union on constitutional matters which affect the future of advanced ed in Alberta.

When world economies are compared, the countries that are consistently the most competitive are those with a progressive, extensive postsecondary system. If Canada is to maintain its place in the community of nations, it must provide its citizens with the appropriate opportunities to develop their skills, whether in intellectual, technological, or social fields. Our continued development as a nation is incumbent upon the willingness of governments and industry to view postsecondary education as a priority worthy not only of their attention but of their support. It is not possible for Canada, with its minute population, to compete globally if we do not have the tools at our disposal to do so. Business and industry demand a work force with the job skills necessary to compete not only within Canada but within a more competitive and open world economy.

Postsecondary education is the vehicle through which these job skills are attained. By failing to provide these opportunities to students, we are threatening the future stability of our economy and of our society. Historically, universities in Alberta and Canada have been important contributors to the intellectual and technological development of our nation. Our researchers here in Alberta, for example, have discovered new treatments for high blood pressure, become internationally prominent experts in Elizabethan theatre, and conducted studies into reversing diabetes.

The contribution postsecondary education makes to Canadian society is both diverse and important. Postsecondary education is the essential ingredient that allows Canada to keep its competitive edge. If our schools can continue to produce the minds that develop new technologies, discover cures for diseases, and help find solutions to the world's social problems, then we will have our place in the new era of continentalism. But if we fail in that task, then we will be relegated to the status of a consumer of information and technology rather than a producer.

We are concerned with our ability to remain internationally competitive because postsecondary education in Alberta has been steadily weakened by the fiscal policies of both levels of government over the past five years. The contribution made by government in terms of both operating and capital expenditures has been diminishing even as the demand for higher education has been increasing at every level.

Clearly, when these trends are juxtaposed, one recognizes the need for a consistent policy to be articulated concerning the future of advanced education in Alberta and in Canada. In 1991, for example, the University of Alberta saw 901 core sections canceled from the university registration guide. Insufficient resources meant that, among other things, courses cannot be taught, students sit on the floor, there is a lack of badly needed contact with professors, and multiple-choice exams are utilized rather than the more comprehensive essay examinations. Programs are threatened or eliminated, and academic development is hindered by obsolete computer and lab equipment, insufficient book and periodical acquisitions by the libraries, and reduced library hours for study and research. Faced with limited resources, the University of Alberta and other postsecondary institutions in this province cannot meet the challenges we face as a province in the 1990s, much less in the 21st century.

As students and taxpayers we recognize that government contributions to advanced education in Alberta are, in total, in excess of $1 billion per year. Despite this fact, ever increasing numbers of qualified students are turned away from postsecondary institutions each year, and those who are admitted receive an education whose quality is in steady decline. Albertans are justifiably proud of their postsecondary institutions. In fact, we often call our universities world class, but more and more this is proving not to be the case. As our institutions deteriorate and the quality of our educations decline, it would seem that we are trying to convince ourselves that our postsecondary education system is better than it really is.

I would now like to turn to one of the areas in which the challenges facing our advanced education system can be addressed, that of extraconstitutional policy at both the federal and provincial levels. The provisions of our Constitution do not operate in a vacuum. We believe it is important to consider not only the strictly constitutional concerns but the policies which make our Constitution a living, breathing document. At the provincial level we as a students union have a number of concerns. Paramount among these is what we perceive to be the underfunding of postsecondary education, which, as I have just illustrated, led to a significant decline in the quality of education offered in this province.

At the root of this underfunding, though, is not so much the overall amount of money allocated by the government but its relation to our provincial level of participation in postsecondary institutions. While the financial contribution of the government is substantial, we unfortunately have one of the highest rates of participation in the postsecondary system in the country. Thus, when we compare the per student expenditure to grants across the country, we find that we are not spending as much as many other provinces do to educate their students.

It is imperative that Alberta develop a long-range plan for secondary education. Included in this plan must not only be a commitment to funding and support but a commitment to rationalize the provincial system of advanced education institutions. When, for example, a new campus is constructed, it is important that the operating budget for such an institution be forecast so that an attempt to improve accessibility does not financially strain the rest of the system. All institutions in the system must have the security of knowing that the government and the province stand behind their efforts to educate Albertans.

9:40

At the federal policy level the University of Alberta Students' Union opposes the 3 percent guarantee fee on student loans. At the same time, however, we realize the detrimental effect that student loan defaulters have on the entire system. Accordingly, we are in the process of asking the federal government for stiffer penalties for those students who default on their student loans. Securing a commitment to appropriate levels of student financing will continue to be an important issue to the students union.

Differential fees are also an important issue in which the federal role is of interest to students. The U of A Students' Union remains committed to its policy of opposing differential fees of any kind for international students studying at Canadian universities. International students play a particularly vital role not only in enriching campus life but in ensuring our continued competitiveness in many diverse fields of research and teaching. The federal government can do much more to support these students in their efforts to learn in Canada and to contribute to Canada's growth and development.

It is now time to consider the central area in which this committee will make its recommendations, that of constitutional reform. We in Alberta must secure from the federal government a commitment to postsecondary education. In freezing transfer payments last year, the federal government made significant progress in reducing its deficit yet put the squeeze on thousands of students trying to access the postsecondary system and made the process of budgeting infinitely more difficult for the provinces. What, then, is the solution? How is the Alberta government to balance all of its priorities, including postsecondary ed, when the level of federal funding cannot be guaranteed and seems likely to decline in the upcoming years?

It is our position that any solution to the crisis in advanced education should incorporate the three following initiatives. One, postsecondary education must once again become a priority to both governments. If it is clear that our welfare as a nation is dependent on our ability to be competitive, then it is equally clear that this competitiveness can only be secured through an emphasis on programs of advanced education across Canada. The governments of both Alberta and Canada must renew their shared commitment to teaching and research in our universities, colleges, and technical institutes and demonstrate that commitment through the allocation of resources to those institutions. The time has come to consider what the effects of national standards of education would be on our system as a whole and to ensure that both levels of government work cooperatively towards the same goals. Words are no longer a sufficient demonstration of the importance of advanced education to government; resources are required.

Two, federal funding for postsecondary education must be guaranteed. Almost half of the provincial expenditure in this department is federal funds. When these resources are cut back or even suspended, the ramifications over the entire system are enormous. Admittedly, the recent Supreme Court decision on transfer payments does not bode well for have provinces like Alberta. If Canada's Constitution is put on the table, however, then both governments have the opportunity to improve our current situation. Funding for such crucial programs as postsecondary education must be guaranteed to ensure the vitality of the postsecondary system. Though not a popular suggestion from a provincial perspective, we would request that the federal government earmark a percentage of the transfer payment as postsecondary funds, thus removing from the province the responsibility of determining where it falls on its list of priorities.

Three, more funding from the business community for advanced education must also be secured. Private enterprise is a direct benefactor of an educated work force. More importantly, though, corporations in the physical sciences and engineering require graduates who are well trained and ready to enter the work force. In reality, several companies in this province and across the country find themselves having to spend up to a year training their new recruits on machines and in technology that was not available to them at university. If these corporations could see to donating such new equipment to our universities and technical institutes, they could save money and time and receive capable candidates immediately upon completion of their degrees. Both levels of government have direct links to business, and the encouragement to contribute to the postsecondary system must not come from the institutions and their alumni alone. It should also be noted that these funds must supplement and not replace government funding. The government has both great powers of moral persuasion in this area and the ability to provide matching grants, tax benefits, and other financial incentives to businesses to encourage such contributions. It should not hesitate to use them in shared programs and initiatives to enhance postsecondary education.

In conclusion, then, ladies and gentlemen, both levels of government, indeed all of society, benefit from an educated work force. Canada cannot afford to compromise its international competitiveness for the sake of temporary fiscal benefits. To do so would jeopardize the cumulative efforts of generations of educators, governments, and students. As we have seen, advanced education in Alberta faces serious difficulties in the years ahead as already insufficient resources are stretched further and further. The status quo cannot be permitted to continue if we are truly concerned about providing world-class teaching and research facilities in Alberta and in Canada. Important changes which address these problems can be made by both levels of government in constitutional and extraconstitutional areas.

The most important of these changes is a simple one, however: the return of advanced education as an issue of great priority with governments, one worthy of resources, time, and attention. In one of his first acts as Alberta's founding Premier, Alexander Rutherford took steps to establish a provincial university that would serve the educational needs of a vibrant, growing community of citizens in western Canada. It is our sincere hope that the same foresight which led him to do this in the face of severe financial constraints is emulated by the present-day leaders of Alberta and Canada. The citizens of our nation deserve no less.

Ladies and gentlemen, thank you for your time, and I would like the chance to entertain any questions.

MR. CHAIRMAN: Thank you very much, Randy, for your presentation. As you know, we are addressing the issue of the Constitution and constitutional change rather than the issue of funding, which is a policy issue which has to be determined by governments. Under the current Constitution section 93 provides that education is the sole responsibility of the provinces. Are you suggesting any change to that section, or are you more concerned with securing funding of an adequate level for postsecondary education and ensuring that the federal government continues to make a sufficient commitment in the funding area without having them become involved as constitutionally responsible for the whole system of education?

MR. BOISSONNAULT: The point that I believe we are trying to make, Mr. Horsman, is that if it is constitutionally necessary, if it requires constitutional change to secure an adequate level of funding from the federal government, then that is indeed the way we would like to go. If this has to rely on policy matters which can be changed and altered, that is not what we're seeking. We see this as a golden opportunity for both governments to come out of constitutional talks with not only a renewed commitment to postsecondary education but some very concrete ways to ensure that it continues and helps us to make it into the 21st century.

MR. CHAIRMAN: Okay. Just help me a bit, though, as to how you would amend the Constitution.

MR. BOISSONNAULT: I'm not sure if it's binding, but I would include a clause in the Constitution outlining a percentage of federal transfers, established programs funding. Put it as part of the Constitution. Make part of the funds that come from the federal government earmarked directly to postsecondary education. This way it does not have to enter into your decisions when it comes time to determine your priorities.

MR. CHAIRMAN: Okay. That's clear.
Questions, comments?

9:50

MR. CHUMIR: Thank you for your presentation, much appreciated. You mentioned national standards. We've had some discussion about that during our hearings with respect to perhaps a base curriculum in primary and secondary education with respect to Canada, perhaps some common standards or testing at earlier levels. Do you see any role for the federal government in national standards at the postsecondary level, and how would that work?

MR. BOISSONNAULT: I believe such a discussion, Mr. Chumir, is in an embryonic stage at this point. If the federal government would be willing to undertake national standards in the area of teaching and research in our postsecondary institutions, that could only help the system. If the federal government encourages institutions to have at least a minimum standard for excellence in teaching and research, then students can only benefit from that. That's where I would see right now an avenue for national standards at the postsecondary level to be pursued.

MR. CHAIRMAN: John McInnis.

MR. McINNIS: I can appreciate the frustration of trying to find a way to secure adequate funding for postsecondary education. In some ways it's a war of rhetoric. People talk in government about how many dollars are going in, people at your level obviously talk about the number of classes that have been canceled and the way things are on the ground, and it's sometimes very difficult for the public to sort out what the real facts are and what the impact is going to be. At the present time, I don't believe that the established programs financing procedure is in the Constitution at all. In fact, one of our presenters presented a very excellent argument by a learned legal scholar to the effect that the federal spending power under which all of these arrangements are made is a legal fiction or doesn't exist in our Constitution. I'm wondering, just trying to focus on the Constitution, is it your suggestion that that whole mechanism for the transfer of funds between the federal government and the provinces should be built into the Constitution, that we should write kind of a basic law that says a certain, say, percentage of federal revenue goes into the established programs financing and a certain percentage of that percentage goes into postsecondary? You'd like to see all of that built right into the Constitution Act?

MR. BOISSONNAULT: Admittedly, that is probably a pipe dream, but to head down that avenue would be welcome from our perspective. I think we have the opportunity to entrench new things into our Constitution, and if we can get the federal government to commit, as you say, that a percentage of their revenue goes to funding to the provinces and then subpercentages go to specific programs, that can only help us to know how much money we have on a yearly basis, where we can go, and help us rationalize how to enhance the system on a provincial level. I think that is an excellent idea.

MR. McINNIS: I just wondered if you would be interested in thinking about it from a different perspective, and that's the idea that rather than putting in the mechanics of how money is raised here and transferred there, what we try to put into our Constitution is that every Canadian child has a right to pursue education based on their abilities, in what's being referred to as a social charter. Put it, you know, as a matter of principle in the Constitution, and then I suppose it would be a matter of litigation to work out the responsibilities of the various governments – whether you'd thought of that approach as opposed to trying to entrench the EPF system in the Constitution.

MR. BOISSONNAULT: Perhaps a balance of the two. I'm not exactly sure, as you said, what type of litigation would come out of putting something in the social charter, and I think it would open up to a field day for Legislatures exactly what was meant by the right to postsecondary education determined on your level of ability. Does that mean, then, that we have a floating percentage to get into our institutions, as we do now, and that as we have more students trying to get into our system, we just keep bumping up the average? I'm not sure if that's how you'd define that. I could see several problems opened up that way, but if it was alluded to in the social charter, then it could accompany that specific delineation of percentages, as you alluded to earlier.

MR. McINNIS: I'm not suggesting it's any easier; I was just curious to know if you'd thought about it. Thank you.

MR. BOISSONNAULT: Right.

MR. CHAIRMAN: Thank you very much, Randy. One thing you said in your brief, and I just wanted to get a clarification from you, and you repeated it. You said that "unfortunately" we have one of the highest provincial per capita rates of participation in the postsecondary system. I would think that is a fortunate thing for Albertans, not an unfortunate thing.

MR. BOISSONNAULT: It is most definitely a fortunate thing for Albertans; it is unfortunate that when we compare to other provinces, we find that we do not have the same level of grants as other provinces do.

MR. CHAIRMAN: So the unfortunate part of it is not that more Albertans are accessing postsecondary education; it's unfortunate there's not enough money, in your view, to pass through to the students.

MR. BOISSONNAULT: Indeed you are right, and it's a stylistic tool to draw attention to that point. I'm glad it worked. I'm encouraged by the level of participation in Alberta, and I think it's wonderful. I hope that the provincial government continues its commitment to that level of participation.

MR. CHAIRMAN: Thank you very much.

MR. BOISSONNAULT: Thank you.

MR. CHAIRMAN: Sorry. Ken Rostad.

MR. ROSTAD: Randy, it really may not focus on the Constitution, but we had a presenter the other night, I think in Hanna, who thought that we should look at advanced education as definitely a priority but look at it on a more regional basis – not regional within the province, but regional beyond the province – and that we should rationalize and not necessarily provide certain faculties at each university. To use medicine as an example, perhaps the U of A should have medicine and Saskatchewan, as an example, or B.C. not have medicine, but perhaps they'll have law, and rationalize the process. Do you have any thoughts on that?

MR. BOISSONNAULT: That is one way to look at the system. I haven't thought of breaking down provincial barriers and thinking of rationalizing. If that is the way postsecondary education develops, there must also be a guarantee to students who want to access these colleges – say if I'm from Alberta and I need to go to Saskatchewan to go to medicine – that levels of fundings, levels of loans, and accessibility are not denied to students due to the distance away. Do you understand my point?

MR. ROSTAD: Uh huh.

MR. BOISSONNAULT: That distance from the institution doesn't inhibit your participation in the system. If that's the way it goes, that must also be thought of.

MR. ROSTAD: Yeah. I would think in regions, because we even have that within our province. If you want to go to the U of A and you live in Cardston, it's a long ways away.

MR. BOISSONNAULT: Indeed it is, and that's why the U of A is encouraging programs in other institutions where you can have degrees, say, in Grande Prairie in terms of education – you can get an education degree at Grande Prairie – to try to keep the people in their area.

MR. CHAIRMAN: If that's the case, you might want to encourage the General Faculties Council at the University of Alberta to be much more generous in their admissions of transfer students from postsecondary institutions outside Edmonton. I just throw that out to you because you have an influential role to play with the GFC, and at the moment it's a very sore point for those of us who live outside Edmonton or Calgary.

MR. BOISSONNAULT: I'll communicate that to GFC, and appreciate the distinction that you realize that I'm not here representing the university per se but the students at the university.

MR. CHAIRMAN: Of course. But, you know, you can talk to us, and that gave me a chance to talk to you as well. Thank you very much.

MR. BOISSONNAULT: Thank you, everyone.

MR. CHAIRMAN: Is George Reid here, please?

Good morning, Mr. Reid. Welcome, and please proceed with your presentation.

10:00

MR. REID: Thank you very much, sir. Mr. Chairman and members of the select special committee, thank you for the opportunity to appear before you this morning. Perhaps I should tell you that I'm a senior citizen who came to Canada as a baby and have lived in Alberta all of my life, in Edmonton since I was seven years of age. I have been in business for myself ever since I was a late teenager, and I still am in business for myself and employ approximately 70 people in Alberta at this time.

I feel I should also tell you that unfortunately times were kind of tough back in previous years, and if Randy wants to know what toughness is, I was unable to even complete a high school education. I have a grade 8 education, and I do hope that the committee will understand if some of my observations seem to be a little on the simplistic side.

I have traveled extensively to every province and territory of Canada. I am greatly concerned for the future of Canada. Over many years I have written literally thousands of letters to Members of Parliament and other politicians suggesting to them improvements in the way they manage our great country. In 1967 I was a recipient of the Canada Centennial Medal, with the accompanying citation which reads:

> On the occasion of the one hundredth anniversary of the Confederation of Canada the Centennial Medal is confirmed on George C. Reid, Esquire in recognition of valuable service to the nation July 1, 1967

For your information I am proudly wearing this medal today.

Over the last 25 years or so I have seen Canada's problems multiply greatly. Perhaps one of the main reasons for Canada being so divided is the politically inspired implementation of the Official Languages Act, which very few in Canada really wanted except, of course, the politicians, who, as it turned out, quite wrongly expected this Act to unite Canada. Of course, we all know now that it had the opposite effect. Implementation of the Official Languages Act has cost Canada clearly in divisiveness and debt. We know of the divisiveness, but most Canadians do not know of the debt, and I would suggest that maybe if Randy would pay attention to the little discourse I have here, he would know where he might tap some funds for money.

The government will tell you that the cost to Canadians is about half a billion dollars per year, which is the cost of operating the Commissioner of Official Languages' office, according to the last report. They will not tell you of the costs associated with the nationwide French network of radio and television, CBC. Bilingual costs are buried in the budgets of every government department and agency, like the RCMP, the military, the CNR, the courts, et cetera. The costs to provide computers that operate in two languages are horrendous. The total cost of implementing this politically inspired faux pas easily exceeds $5 billion per year. Twenty years of bilingualism at $5 billion per year comes to $100 billion of debt on which we have to pay interest. Small wonder Canada is nearly bankrupt. The GST would not have been necessary had it not been for enforced, legislated bilingualism.

Twenty years ago I sent the following letter to all of the 282 Members of Parliament at that time. The text of the letter reads as follows:

> Re: Official Languages Act
>
> I am writing you because I am concerned for the future of Canada under Bilingualism.

I've got to bring to your attention that this letter was written on May 28, 1973, and that's nearly 20 years ago.

> which could be termed a costly, unnecessary, politically inspired faux-pas. It should be repealed!
>
> If Bilingualism is continued Canadians will be guilty of contributing to the further discrimination of an already oppressed rural Quebec because these people will never learn English – and will remain an oppressed, underprivileged minority in North America forever.
>
> Bilingualism has increased the cost of every manufactured or packaged product sold in Canada (bilingual labels, instructions, etc.) thus contributing to inflation.
>
> The cost to the Canadian taxpayer is in excess of 800 Million Dollars per year . . .

Now, I've got to tell you that this was the figure that the federal government at that time claimed they were spending on bilingualism. We all know differently. If you sit down with a pencil and an adding machine and paper, you'll come up with the figure of $5 billion without any problems. I mentioned here that the $800 million per year at that time would have been

> enough money to build an expensive Cultural Centre in 100 centres across Canada each year.
>
> Bilingualism has not achieved unity in Canada – it will only serve to further divide Canada similar to what has happened in Ireland, in Belgium where it recently brought down the Government – even Elliot Lake, Ontario is a small example of what is to come.
>
> It is to be hoped that at the present sitting of the House of Commons, some future "Political Great" will recognize common sense, and give up "political pussy-footing" and press for repeal of the "Official Languages Act", while at the same time, carefully explaining sensible reasoning to French-Quebec – they are not stupid and will buy common sense – presented to them by sincere legislators. I would hope the French-Canadian members of the house would forget about emotionalism for their mother tongue and talk common sense to their constituents.
>
> I consider the Official Languages Act to be discriminating and injurious to the citizens of rural Quebec – they deserve every opportunity to take their rightful place – as citizens of Canada – in the upper echelon of [commerce, et cetera]. Whether it be . . . engineering, aviation . . . the language of communication in all these fields is English. Without English the rural, or any Quebecer is not going anywhere – except maybe to the Federal Civil Service . . .
>
> Please understand I have nothing but warmth and respect for the French people – and their language. I have travelled extensively in Quebec and have many French-Canadian friends whose friendship I cherish dearly – maybe this is why I am concerned!
>
> The French culture and language can be retained in the same manner as the Dutch - German - Italian - Ukrainian - Indian - Eskimo - Chinese - Irish - Scot, etc. With one official language and our multicultural ethnic groups I can foresee a great future for a great country - Canada.

Just for your information, I was out in the hallway, and I tore out page 63 of the current Edmonton Telephones book. That's the listing of the French listings in Edmonton. That sheet costs Canadians $2,000 plus GST every month. That's $2,000 plus GST every month.

Canada's problems also stem from mismanagement of the country by big government, excessive bureaucracy, greedy politicians, and bureaucrats who practise patronage and pork-barreling to excessive ends for political purposes. Every department of government seems to have been built up over the years, mostly by senior bureaucrats who are determined to build up their own personal fiefdoms to rule over. I rather doubt if our constitutional faults can be blamed on Confederation, but rather on the expansion by the big spenders. Federal governments move beyond their area of constitutional authority in order to force tough, expensive, and very often counterproductive policies on every region of the country, whether they are needed or not. The reality is that we are overgoverned and undermanaged. The bureaucracy needs to be cut back in size now, not 10 years from now.

On the Constitution. Our Constitution should be as short and simple as it can possibly be written, using simple words that every Canadian can understand. Perhaps we should go back and look at our original Constitution, written in 1867, known as the BNA Act. If we had followed the original definition of bilingualism, we most certainly would not have been in the mess we are in today, and the COR Party would probably not be the Official Opposition in New Brunswick. Let's go back to bilingualism as it was allowed in the BNA Act.

On Quebec. There is no way we as Albertans can allow Quebec being singled out as a distinct society or a unique society. Both of these descriptions, in my simple mind, give the connotation of better or superior. If Quebec is going to be part of Canada – and I hope they will – then they have to be equal to all the other provinces. I would have no quarrel with them being mentioned as a different society, because they are, and most Canadians would know what it means. Canada has pandered to Quebec too much and too long. If Quebec wants to be part of Canada, then it is time they started flying the Canadian flag. I remember it was Quebec that wanted a distinctive Canadian flag, so Mr. Pearson arranged for this. We even put the Quebec maple leaf on it. Now the Canadian flag is not flown in Quebec except at Canadian legions, federal government buildings, and post offices. This, of course, helps people like me, because the last time I was down in Gatineau, I was looking for the post office. I managed to find a Canadian flag, and I figured that had to be it.

Members of Parliament are supposed to represent their constituents, not be an employee of the Prime Minister to vote the wishes of the inner caucus. The members should be required to learn the wishes of their constituents and to vote their wishes accordingly. There should be a simple method of recall available to the constituents so that MPs can be removed if they blatantly disregard constituents' wishes. By the same token, we need some method of impeaching the Prime Minister should his government be guilty of blatant mismanagement of the country. This credibility gap should be addressed.

10:10

Senate reform. Alberta should be prepared to insist on the implementation of a true triple E Senate. Nothing less should be accepted. The Senate should be truly effective and capable of completely killing any Bill passed by the Commons if it deems it not in the best interests of Canada as a whole.

Aboriginal rights. Now, here is a truly distinct society in Canada. If any group should be described as a distinct society, the aboriginals should. The talk here is of self-government, and while I am not sure what this really means, I presume it would operate much the same as a municipal government and pertain only to government on their own lands with their own school boards, justice system, et cetera. I cannot understand why it would take 10 years to institute self-government. If I remember rightly, the Banff townsite became a self-governing body within a year of a decision to do this. Why can't the aboriginals be treated in the same way? Let's get with it.

The Charter of Rights. I don't know why the Charter of Rights cannot be incorporated in the Constitution in much the same manner as in the United States. I don't know of anyone who has benefited from the Charter of Rights except criminals like Charles Ng and others who want to inflict their customs on other Canadians by requiring that institutions like the RCMP have to tolerate nonuniform headdress. There should be no mention in the Charter of Rights of any distinct society.

To sum up, get rid of bilingualism, which has divided Canada. Rewrite the Constitution in a short form using simple words so that ordinary people like me will have no problem understanding what it means. On Quebec, no special privileges other than what was allowed in the original BNA Act of 1867. Members of Parliament should be responsible only to their constituents. Senate reform: nothing less than a triple E Senate with powers. Charter of Rights: either abolished completely or greatly simplified as to meaning. Aboriginal rights should be addressed without any delay. Economic union is something I know nothing about. I like the free trade between the provinces portion of it, but if this requires a big, new government bureaucracy, we don't need it; just open up the borders.

Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Reid, for your comments and thoughtfulness in putting together this proposal for our consideration.

Are there questions or comments from members of the panel? Well, I have one I'd like to just ask you about. This notion of recall, which you have mentioned here, is an interesting one that we've heard from a few people who have come forward. How would you go about determining what would warrant the recall of a member of either a provincial Legislature, presumably, or the federal Parliament?

MR. REID: Well, it would be the same for either place. If we have a Member of Parliament or a member of the Legislature who is not paying attention to his constituents and knows the requirements or wishes of his constituents and votes in a completely opposite direction, then I think it's time for the constituents to be allowed to take up a petition with X number of names on it. This, in effect, would constitute enough evidence to boot the guy out of office.

MR. CHAIRMAN: Okay. It was tried once in Alberta. Are you familiar with that?

MR. REID: Yes, I am, sir.

MR. CHAIRMAN: Mr. Aberhart, when he was faced with recall, recalled the Legislature and repealed the legislation. That is a historical fact of Alberta.

Just one question. What would you do about a Member of Parliament or a member of the Legislature who was elected as a representative of one party and changes parties midstream? Would you require that person to then resubmit to the voters to see whether or not they approve of that course of action?

MR. REID: Well, if you mean hold another election, I don't think it should go that far. But if there were a strong movement within his electorate and enough of a petition taken up, then the thing certainly should be reconsidered.

MR. CHAIRMAN: Then that person could be recalled and a new election take place in that constituency.

MR. REID: That's right.

MR. CHAIRMAN: Sheldon.

MR. CHUMIR: Yes. We seem to have a bit of time, so I might ask about something that's of interest here. You state, Mr. Reid, that you don't know of anyone who has benefited from the Charter of Rights other than criminals like Ng. I'm wondering about the Quebec legislation prohibiting the use of English signs. As no doubt you are aware, that went as far as the Supreme Court of Canada, and the Supreme Court held that that provision in Quebec contravened the Charter of Rights and the Charter protected the right of Anglophones in Quebec to have signs in English. It was only through use of the notwithstanding clause that that was struck down and the legislation was changed. Are you supportive of that type of provision in the Charter to protect the use of English and English signs in Quebec?

MR. REID: I would certainly like to see some provision where the Supreme Court of Canada would have more teeth. I realize there was a notwithstanding clause in there which went right back and allowed Quebec to do what they wanted. If you've been in Quebec lately, you'll realize there are just no English signs to be seen anywhere. I understand that down in the Eastern Townships, here again we have this language situation, the crux of a big fight between the Anglophones and the Francophones. The Francophones actually want the Anglophone signs left as is, but the policemen are down there right now taking pictures and preparing court cases in order to prosecute. If Quebec wants to remain in Canada, there should be definite provision made for both languages. Alberta isn't prohibiting the French from putting up French signs – I've seen several of them around; there are some over on Whyte Avenue – but if this were in Quebec, the provincial government would have their language policemen out there taking those signs down or prosecuting the people involved.

MR. CHUMIR: So your concern in that case, then, would not be with the Charter, which worked well, but with the use of the notwithstanding clause.

MR. REID: Well, the Charter of Rights doesn't seem to be doing anybody any good in that particular case. As I said, the only place I've seen where the Charter of Rights has really done anyone any good is the criminal element in Canada.

MR. CHUMIR: So would you favour removing the notwithstanding clause? Would that be your remedy?

MR. REID: If Quebec, in fact, remains in Canada – and I have some doubt that it will – it should certainly be governed by the laws of Canada insofar as signs and that sort of thing.

MR. CHUMIR: Are you familiar with the 1984 court decision in Alberta in which the courts held that a federal law which would have prohibited most citizens from participating and advertising in federal elections . . . The federal law was going to prohibit that, and the National Citizens' Coalition in fact took the government to court. The Alberta courts held that freedom of expression in the Charter prevented that restriction. Are you aware of that decision?

MR. REID: Yes, I'm aware of that. I'm quite in agreement with the fact that freedom of expression certainly should be something in a Charter of Rights. But I mentioned in there amending the Charter of Rights, making it part of the Constitution and making it much simpler and in simple language.

Certainly that portion of the Charter of Rights could be reworded so we would not have all the kooks in the country taking advantage of it.

MR. CHUMIR: Do you agree with the '84 decision protecting the freedom of expression of Canadians to participate in federal elections?

MR. REID: Well, certainly I do.

MR. CHUMIR: I would assume that we've all benefited to some extent.

MR. REID: Well, yes, we have from that. Yes. But I am saying that a Charter of Rights should be made much simpler so we do not have all the courts of the land . . . There are probably some lawyers here, many of whom got rich over the Charter of Rights. I think it's time the thing was made in simple language so that every little thing does not have to go to the courts to be decided.

MR. CHAIRMAN: Okay. John McInnis.

10:20

MR. McINNIS: Mr. Reid, one of the most heartening things about this public hearing process is the tremendous goodwill we've experienced towards aboriginal people. A large number of people have mentioned aboriginal issues, and virtually all said that now is the time we try to settle aboriginal issues and, in particular, the constitutional status of aboriginal people. I think your suggestion of recognizing self-government is along those lines. But then we get to the fine print and the asterisks. For the past 10 years this issue has gotten nowhere because governments are looking for a definition acceptable to them of what those rights might be. I noticed in your submission that you suggested it would be much the same as municipal government. I think that may be a problem because, as I understand it, aboriginal people want to evolve their own institutions. They don't necessarily want to take one off the shelf that's been developed by our society, whether it's a municipal model or a county model or what have you. I'm wondering if you feel we should be engaged in essentially the same fruitless exercise for the next 10 years, which is to try to get somebody to come forth with a definition acceptable to all politicians at various levels of government, or should we perhaps undertake something of a leap of faith and allow aboriginal people to establish their own institutions?

MR. REID: I think the aboriginal people should be trusted. They certainly have in this day and age – now, if we go back 30 or 40 years, I don't remember that there were too many aboriginal lawyers and leaders at that time who could express themselves as eloquently as many of them can these days. We have a lot of very highly educated aboriginal people in this country, and certainly insofar as their own lands go, they should be permitted to govern those lands the way they want them governed. Certainly their courts might be completely different from courts as we know them. I think they should be trusted to do this. The sooner we get together with them and get some sort of deal arranged, the sooner we will stop all this bickering and get back to being a happy nation again.

MR. McINNIS: If I can summarize the federal proposal, as I understand it, there would be 10 more years allocated to the discussion of a definition of self-government, and after the 10 years it would entrenched in the Constitution and the courts would then be left to decide the issues. Do you favour building that 10-year period in?

MR. REID: No, I don't think so. I think we've got to get on with this and get the thing ended. I'd like to see the thing settled before I die, and I'm getting pretty ancient now.

MR. CHAIRMAN: With respect, John, I think you've simplified it too much. The proposal is that during that 10-year period negotiations would be conducted, and as definitions were agreed to from time to time with different groups, they would in fact be constitutionalized. Anything that was then remaining, undealt with at the end of the 10 years, would then go to the courts for definition. I think there's a considerable difference in the interpretation of that particular proposal.

MR. McINNIS: It seems a lot like the last 10 years to me.

MR. CHAIRMAN: Well, as you know, in Alberta we did constitutionalize the Metis Settlements Act. Are you familiar with that, Mr. Reid?

MR. REID: Yes, sir.

MR. CHAIRMAN: One point two million acres constitutionalized for the Metis people of northern Alberta. That's now behind us in Alberta and working quite effectively. We hope it will be the model other people may want to look at in terms of the type of self-government the Metis people themselves negotiated with the government of Alberta in exchange for constitutionalized ownership of the land.

MR. REID: Perhaps, sir, if you were to get together with your other provincial counterparts and urge them to do something similar, that would be a feather in your hat, and I think the Indians would supply it.

MR. CHAIRMAN: Thank you very much, Mr. Reid.

I think we can take a break now. The next presenters are the Metis Nation of Alberta, and they haven't yet arrived. We're just a little ahead of time, so we'll take a bit of a break. Thank you.

[The committee adjourned from 10:24 a.m. to 10:50 a.m.]

MR. CHAIRMAN: Ladies and gentlemen, if I could have everyone back at the table who's supposed to be here, we'd like to get under way again. Unfortunately, it appears that the representatives of the Metis have not arrived. Is Jacquie Kuhl here?

Okay. Since the other presenters are not yet here, Mr. Ronald Meilleur from Red Deer is here and was supposed to be on this afternoon. He's prepared to proceed earlier with his comments, and therefore I'd ask him to come forward. Thank you.

MR. MEILLEUR: I would like to address each and every hon. member present, including the Hon. Ken Rostad. The Constitution and amendments under the federal and provincial powers – the subject that I am going to talk about, which I think is very vital, is the immigration and deportation Act.

I am aware that under the federal government powers and jurisdictions the federal government has all the powers bestowed on them for immigration and deportation, but the provincial governments have not got equal rights. Now, I may be wrong in this summation, but this is the summation I've had passed on to me. What I would like to see is the provincial governments, under the new Constitution, have the same jurisdictional powers and backgrounds that the federal government has. Now, what I'm getting at is this: we cannot work as a government if one government has got all the guidelines, all the powers and jurisdictional powers, and another government hasn't. It's just like putting two pots of coffee on the same stove with one going at high heat and one going at low heat and you expect them to boil both at the same time. It doesn't work.

The solution I have come to is that both federal and provincial governments be given the same powers and that also the Solicitor General of the federal government work in with the solicitors general of each province instead of all the powers being put on one. Let me further stress that it is vital that both the federal and provincial powers and the solicitors general of both governments work in equal.

The thing I'm bringing up is the Charles Ng case. Now, I understand that the federal government just released him recently, where he has been in Canada for the last six and a half years. I think if the provincial government would have had the same powers that the federal government had, he would never have been in Canada six and a half years. He'd have been out of Canada within six months after he got here.

As I've heard a lot of politicians state over television and on radio, why should Canada be a haven for political prisoners? We never were, and we don't intend to be, and this is going to be stressed in the Constitution also, that Canada will never be a haven for political prisoners and mass murderers. Like, I mean to say our judicial system – I've got a lot of respect for our judicial system on the whole, but when we allow political prisoners and mass murderers to come into Canada and live off the taxpayers' money, living the life of Riley and thinking they can turn around and beat the judicial system with one appeal after the other and sit in a remand centre and have better breakfasts and better dinners than the average working man, I don't think it's fair to the justice system whatsoever. Charles Ng, as far as I'm concerned, was making a mockery of our judicial system because he figured that he could come, he could live under our government jurisdictional powers, and the deportation board couldn't do anything because he was living under the provincial government and not under the federal government. In the new Constitution it will have to be implemented that no political prisoner has any rights whatsoever of living in Canada, thinking that they can automatically beat the justice system.

Also, what I believe should be done is that once a prisoner is deported out of the country under the immigration and deportation Act, work together with the Solicitor General and the appeal board to come to a final agreement, but it would be solely the powers of the immigration and deportation board to have the overall say of him being deported. I'll understand, yes, that he might be allowed maybe one or two appeals, but it should be the final and overall say of the Solicitor General and the immigration and deportation board to finally have him deported.

Also, once he is deported out of the country back to his own country, why should he be given the right to think he could come back into Canada as a Canadian citizen? He's going to come back into Canada. We're going to probably welcome him with open arms, knowing his past and everything else, and I've always maintained that once you're a criminal, you are always a criminal. You'll always go back to the elements of where you were before. If he does come back in, he should come under a probationary period of not less than three years, not more than five years and answer to the immigration and deportation board for any elements of crime that he gets involved in. He should fully answer as to his whereabouts, what he is doing, and if he is found to be in the elements of crime, he could probably be deported a second time. I don't know whether that's possible, being deported a second time, but on the deportation the second time, this is the solution I've come up with. Send him back to his own country and make sure that when he arrives back in his own country, he is stripped of all documents under the immigration and deportation Act – his visa and his passport – so he cannot leave his country whatsoever. This is the solution that I've come to, and this is the only way under the judicial system that we are going to get rid of the elements of mass murderers, mass rapists, and every other type of element, even political terrorists, coming into Canada.

11:00

In conclusion, can anybody define what is the difference between deportation and extradition and have it amended in the Constitution, the difference between deportation and extradition? Because I understand that if some countries do not have what they call capital punishment, they cannot be extradited back. We have extradition treaties with certain countries. When it comes down to mass murderers, mass rapists, or anything else like that, that clause should be taken out of the Constitution. He suffered the crime, and he should be sent back to his own country to serve for the crime. That stipulation should be taken out of the Constitution altogether on the extradition part of it, because if we're going to fight under the new Constitution on extradition treaties, then we're going to be right back to point one because he's going to appeal to the appeal board. "Well, I got extradition rights; you can't send me back, on extradition rights." If the extradition rights were taken out of the Constitution, then he wouldn't have the grounds to stand on. It would have to be the final say whatsoever of the immigration and deportation board and the Solicitor General's office that he goes back to his country irregardless.

I will admit that I am glad the federal government stepped in and finally decided to do something with the Charles Ng case. I was very, very surprised and I was elated when I read about the Ravinder Singh Samra case. That was federal. As far as I could make out from what it said in the paper about it, that was a federal case. The federal government handed it in right now. The one thing I am a little bit puzzled about is: what has the Canadian government done in the decision about allowing Ravinder Singh Samra's family to live in Canada? She stated in the paper just recently that she wanted to be with her husband back in India or Pakistan, wherever he was deported back to. Is the federal government going to allow her to stay in Canada, or is there anything in the near future that she will probably be going back to her own country? Because I figure this: if she has such loyalty to her husband, they should have made the provisions under the federal government for sending her back with her husband to India. Get this thing settled once and for all, instead of the Canadian people saying, "Well, okay, we'll keep you here in Canada," on the facts that he goes back to his country, serves his crime and everything else, and he's going to appeal to come back into Canada.

I say no, because there's another case right there. He's got all the elements of crime going behind him that is probably the length of both my arms going. I've always still maintained that no, he should not be allowed back into Canada either because he gave false information to the immigration and deportation board. From what I read in the paper and everything else, he had murders behind him, child rape, political rallies, doing picket line duties, and everything else. He was involved in traffic accidents where he maimed a person and everything else. No, I don't believe he should be allowed back into Canada either. This is one thing that I would fully like to see stressed in the Constitution, that once a political person, a mass murder is deported out of the country, he should not be allowed under the immigration and deportation Act to come back into Canada.

MR. CHAIRMAN: Thank you very much. Mr. Rostad wishes to comment, but in terms of the difference between deportation and extradition, it's really quite simple. You can deport somebody from Canada who is illegally in Canada, not here properly, but a person who is being extradited is being sent back to another country to face some form of criminal charge. A person who's being deported may or may not have had any criminal charge facing them in the country from which they originated, but a person who's being extradited is being sent back because he or she has to face a criminal charge in the country from which they came, at the request of the country from which they came.

MR. MEILLEUR: Yeah. But what I . . .

MR. CHAIRMAN: That's the difference. You asked for the difference, and I've told you.

MR. MEILLEUR: You see, what I was getting at was that in the Ravinder Singh Samra case the murder convictions alone – he did that over in his own country. This happened in his own country. This didn't happen in Canada. This happened in his own country, and I was just wondering how they come to the conclusion of the difference between extradition and deportation.

MR. CHAIRMAN: Well, extradition is where the country from which the person came comes to the government of Canada and says, "Send this person back to us; we want to deal with his crime in our own country."

MR. MEILLEUR: Okay. Thanks very much.

MR. ROSTAD: In fact, that was the instance in the Ng case. He came to Canada and allegedly – well, in fact he was convicted for a crime in Calgary and incarcerated for four years. An application was made by the Americans for an extradition of Mr. Ng. There are procedures within our judicial system. First of all, there are procedures to appeal the conviction for a crime in Canada, but our Charter says that you will not be subjected to cruel and unusual punishment. That was the application at the Supreme Court that was adjudicated on and judged yesterday. The Supreme Court said that that provision of the Charter is not available for somebody that is being charged with a crime in their own country; therefore, he has no other recourse, and he should be extradited. That's what happened with the Ng case.

The only thing I'd mention, probably as the Attorney General, is that I make no apologies for the convoluted system of appeals, et cetera, that has happened in this instance. It's also given a lot of frustration for a lot of people who thought that Mr. Ng should have been gone long, long ago. I might mention, too, that the federal government has tabled a new Extradition Act to streamline the procedures, so there aren't the frustrations. You still protect a person's rights but make it easier to facilitate processing of an application.

MR. MEILLEUR: Well, is this coming under the provincial government too?

MR. ROSTAD: That's the federal government. That's not within the provincial jurisdiction; that's federal jurisdiction. Extradition is a treaty with Canada, not with each province. It's federal.

There's a system of appeals that I think, as the minister of justice for the province, should be there because what that does is protect you and me. If we were ever charged or found to have done something when in fact we didn't do it, there's a series of appeals giving us the opportunity to go before a court and to try and make our case that we in fact did not do it. In this instance, justice has been done. Mr. Ng has been sent back, and his fate is now in the hands of the Americans, where he allegedly committed these crimes. But we have a system of checks and balances within our system to ensure that somebody is not wrongly accused, wrongly convicted. Justice has been done in this instance. There is a streamlining of the process, but I think it behooves all of us to appreciate that our system is there for all of us who may be wrongly accused and gives us the ability to defend ourselves. Eventually you do run out and the ultimate answer comes, and you're either incarcerated or found guilty, but thank God we do have the opportunity to appear and make our case.

11:10

MR. CHAIRMAN: Well, Mr. Meilleur, thank you very much. You indicated to me earlier that you wanted to give me a document which is much more extensive and covers other issues than the one you wished to raise this morning. If you'd like to do that, you can leave it with the secretary, and he will ensure that copies are made and that the original document is returned to you as you requested.

MR. MEILLEUR: I thank you very much.

MR. CHAIRMAN: Thank you very much for appearing this morning.

Is Jacquie Kuhl in the audience? Okay.

Then Duncan McIlraith. Welcome. We got you in just a little ahead of time because some other people didn't show up this morning. So please proceed.

DR. McILRAITH: I'm pleased to be here. I'd like to speak principally about Quebec. I lived in Quebec for the last five years up until January of '91, and I think that relationships with Quebec are a key element of our current constitutional conundrum. First, I'd like to tell you a little bit about my background, a few words about Meech Lake, and then focus on six aspects of our current constitutional crisis. It really is a crisis, I think, that we're facing now.

First, a few words about me. I'm 33 years old. I grew up in Ottawa, and in 1983 I moved to Edmonton. I'm a neurologist, and I was doing some specialty training here. I lived here from '83 to '85, and then from 1985 until December of 1990 I was in

Montreal doing further specialty training. In January of '91 I moved back here, and I've taken up a position with the university and also with the Grey Nuns hospital.

Growing up in Ottawa, Quebec was right next door. I have many wonderful memories of vacations there, friends there. Of course one is exposed to French in Ottawa and the Ottawa-Hull region on the buses, on the signs; you hear it out on the streets. *Living in Quebec in particular for the last five years, I think* that I have a different perspective than I would have had otherwise.

I wanted to say something about Meech Lake. I think it is important that we put Meech Lake behind us and look ahead in as positive a frame of mind as possible, but it's out of the ashes of Meech Lake that the federal government's current constitutional proposals have arisen. As dismayed as I was with the process of Meech Lake, there were substantive elements of Meech Lake that I had profound concerns about, and I particularly resent being told that my disagreements with the content of Meech Lake were simply as a result of my disgust with the process or that I didn't understand and being told repeatedly to be more tolerant and understanding, that we should all come to an agreement that way. I think it's quite possible to be understanding and still disagree. In particular, after listening to the divergent opinions of experts, tempered by my experiences in Quebec, I had concerns that the distinct society clause would possibly undermine the Charter of Rights, that the Supreme Court would become excessively provincialized, and that the amending formula as proposed in Meech Lake would be too rigid to allow for further constitutional reform.

There are six aspects of the elements of what's on the table now in terms of constitutional negotiations that I wanted to focus on. First, the distinct society clause. I'd like to also speak about the amending formula, the Charter of Rights, Senate reform, distribution of powers, and then finally some words about referenda for future constitutional reform.

I might add at this point, before I forget, that I put in a written submission to this committee last May, and there's nothing in that that I would change now over the last few months apart from some typographical errors that I've noticed.

The distinct society clause. Certainly, again from my direct experiences living in Quebec, Quebec is different and distinct, principally with respect to language, culture, and the civil code, which didn't enter into my day-to-day life there very much, but it was quite evident living there. People have a really different perspective. I have no problems whatsoever with recognition of Quebec as a distinct society within the Constitution so long as it does not undermine the Charter of Rights and, secondly, that it doesn't provide for a blanket transfer that is used as a smoke screen or a cloud or a justification for a transfer of powers to Quebec.

Certainly during the last round of constitutional talks, during Meech Lake, I think that the distinct society clause was marketed differently in Canada outside of Quebec and in Quebec. Again, living there and listening to the radio and reading the newspapers, both English and French, I think that the people who were negotiating on behalf of Quebec and many people in Quebec thought that the distinct society clause as it was in Meech Lake could be used as a basis for obtaining power over manpower, over immigration, over telecommunications. I heard cabinet ministers in the Bourassa government say as much and Mr. Rémillard saying that if they'd had the distinct society clause, they would not have needed to use the notwithstanding clause to bring in Bill 178, which followed Bill 101, as you know, after the Supreme Court overturned Bill 101.

Concerning the amending formula, I like the current seven and 50 arrangement for certain constitutional reforms. I think this provides for a greater influence of the most populous provinces but at the same time does not allow one province to forever have a veto over further constitutional reform. I think that strikes a good balance. Again, I've heard in the last few days that Quebec is again asking for a veto over certain types of constitutional reform. One thing I've heard, anyway, is the reform of federal institutions. I've heard other politicians from Quebec speak of a veto for Quebec over more widespread types of constitutional reform, and this I find unacceptable. If I were in a position to negotiate over the Constitution, it's something I would argue strongly against. Again, perhaps a veto for Quebec for very explicitly defined issues of language and culture, something very explicit and restricted in that sense, would be acceptable but not a blanket veto.

Concerning the Charter of Rights, I think that the focus should be again to make the Charter very explicit and simple and limited in scope. Its objective should be solely to define the rights of the individual relative to the state. I think we could make provisions elsewhere for protection of aboriginals, of Quebec, of collective rights, and other notions such as this. I see the Charter as being something of the form that says that no matter where you live in Canada, regardless of the prevailing political sentiment, no matter what else, your rights, the rights we all hold to, will be protected and that these rights are part of our commonality as Canadian citizens. In this sense, then, the scope should be very limited and should include things like freedom of religion, freedom of association, and freedom of the press. This is what should be in the Charter of Rights. I think that to bring in more makes it unworkable and very complicated.

11:20

I'd like to see the notwithstanding clause removed. I believe that the federal government in its most recent constitutional proposals has made provisions to make the notwithstanding clause more difficult to implement. Again, whatever the original intentions of the notwithstanding clause, I think recent evidence in Quebec with respect to the language laws has shown potential for abuse, and I just find that unacceptable. There is provision, I believe, in our current Charter of Rights for some flexibility that limits the application of the notwithstanding clause to what would be reasonable in a free and democratic society, and I think that provides sufficient flexibility. I'm not a lawyer. I'm certainly prepared to listen, in fact interested to listen to legal opinions on this and everything I've said.

Concerning Senate reform, I think we should have a triple E Senate, and I really do mean triple E in the sense of having equal representation. That seems to be the point of contention right now with the federal government's most recent set of proposals. But the Senate reformed in this fashion should not be able to override the House of Commons on all types of legislation. Again, I see a reformed Senate as a means of providing provincial input and power on the national scene, not regional. That's reflected through proportional representation in the House of Commons. We don't have strict proportional representation in the House of Commons, but we have something much closer to that. So long as we have a two-tiered system of government, neglecting the municipal level of government for the moment, and division of powers based on provinces rather than on regions, then those provinces should have their input in the national scene.

I must say that I'm much more comfortable having my interests as a citizen of Alberta represented on the national scene by Preston Manning or David Kilgour or Joe Clark than I am by having them represented by first ministers. I think that too often, at least it's been my perception that the national perspective has been lost and we have first ministers or their cabinet ministers negotiating without a sense of national perspective, too much for what goes on in their own backyard.

Which type of legislation should the Senate be allowed to veto or amend or introduce? That really is a difficult question, and I can't address that at the moment. I think perhaps the principle should be the types of legislation where the interest of one province may be compromised for the national interest. This is now the opportunity for that province to have its say and have some impact on the federal scene.

The devolution of power is the fifth item I want to speak about. In principle I'd like to see as much left in the hands of the federal government and have, then, improved representation of the regions and of the provinces in the centre through parliamentary reform, through Senate reform, through relaxation of party discipline in the House of Commons, but I'm quite open and flexible in this regard. I think this should be dealt with on a department-by-department basis or a portfolio-by-portfolio basis. Let's look at education and see what elements of education are best handled by the federal government and what elements are best handled by the provincial governments. Let's look at that one in isolation and study it well and make things as explicit as possible and then after that move on to the next area, health, and then from there on to manpower or on to unemployment. Treat each item individually, because I think the implications are quite different, rather than a big power grab where many areas are transferred over all at once.

I have one principle concern with devolution of powers, especially if those powers are devolved optionally, as has been proposed by some; for example, a province would have the option of becoming sovereign with respect to certain areas, and other provinces perhaps might not choose to exercise that option and leave those areas in the hands of the central government. I find it quite unfair that a province could opt out in certain areas. Opt out is perhaps not the best phrase; become sovereign, take over sole power for certain areas, yet still have full representation in the House of Commons and be able to legislate in affairs affecting the rest of the country where they have taken over power for themselves. People have suggested that perhaps when legislation such as that comes before the House of Commons, members from that province would not vote on such legislation or they would not ask questions; they would leave the House. But it goes beyond that because members are elected from those provinces. They form the government; they play a role in forming policy. I just can't see this being workable. It seems quite unfair.

A corollary to that is special status for aboriginals. One proposal has been that aboriginals should have their own elected members in the House of Commons, I assume voted for or elected solely by aboriginals, however defined. I think that's fine, but then those aboriginals should not also be able to vote for our traditional Members of Parliament which run in geographically defined ridings. If you're an aboriginal and you choose to vote for an aboriginal representative, then you do not vote in whatever riding you are geographically located in.

Finally, a few words about referenda and a constituent assembly in the preparation of future constitutional reforms. I don't like the idea of a constituent assembly. I'm just afraid that this will be railroaded by prevailing political concerns and that it's not particularly closer to the people. We need more direct public input, and we have Members of Parliament at the federal level and members of provincial Legislatures who are there to act as a liaison, our representatives in the various levels of government, and they serve that purpose.

I would like to see a referendum. There's a difficulty with that, though, and that is that Quebec will always have the potential to be outvoted by the rest of Canada. I can certainly appreciate a sense of vulnerability that arises from that. I don't know how to get around that. I think that instead perhaps we should make a requirement at least for future constitutional reform that public hearings be held first off, which was not the case in Meech Lake, that they be held over a reasonable period of time, and that before any legislation is introduced to the provincial Legislatures, nonbinding referenda be held in each province so that there is an opportunity for full public input before members in provincial Legislatures or in the House of Commons vote. At that point, members vote against public opinion at their peril.

I haven't said very much about aboriginals, and that is a prominent issue now. I purposefully left that out. I find it difficult to, again, understand what aboriginals are shooting for. I certainly heard different views during Oka. I was living in Montreal at the time, and I heard some saying: "We are not Canadians. We do not respect the laws of Canada. We are not bound by them. We are a sovereign nation here, just like Belgium or France or Italy, and we should not be bound." That may be one concept of self-government, and of course there are other concepts of self-government that differ in degree. I don't have any objection at this point to some recognition of a right for aboriginals to self-government, details of which would to be negotiated later, provided there is some assurance that this doesn't constitute, again, a blank cheque for aboriginals to retain powers that would be to the detriment of the country as a whole.

I'd just like to close with a few words from my written submission, the last paragraph, that I think underline my sentiment, and certainly my sentiments run deeply through everything I've said and things that I haven't said with respect to these matters. My identity is with Canada. I've spoken principally of Quebec. My attachment to Quebec is life long and runs deep; it's part of me. But the Canada I love is grounded on principles which may be irreconcilable with the aspirations of Quebec, and in this case I opt for Canada. National unity should be seen as a means of securing the greatest prosperity for all citizens but not at the expense of those principles which make us Canadian and not as an end in itself.

That's all I have to say for now.

MR. CHAIRMAN: Thank you. Well, you have a number of points you've raised. I have a couple of questions that I'll reserve until . . .

Yes, Sheldon.

11:30

MR. CHUMIR: A very thoughtful presentation. I'd be interested if you'd have some observations with respect to the Clark committee proposals that have been tabled by the federal government, which I happen to endorse in many ways, by the way. How does that stand with your vision of Canada?

DR. McILRAITH: Well, I'm generally positive at this point, but of course the Clark proposals just came out a few days ago, although rumours and leaks were out well before that. It seems to me there is going to be some room for flexibility. There's much that's on the table now – it's much more complex than Meech Lake – and much that hasn't been put on the table now.

But just yesterday M. Bourassa called a hasty press conference, in response again to this barrage of media pressure in Quebec, again reiterating Quebec's need or demand or goal – "goal" is the word to use in English – for a veto. I think we're going to run into rough sledding there. I've spoken of my views on a veto for Quebec, and I think that's one major point of contention that hasn't been addressed just yet and I hope will be addressed over the coming months.

The other point is the distinct society clause. Again I've heard this from clips from Quebec – I still get my subscription to the *Gazette* – the distinct society clause must have teeth, says Gil Rémillard. A symbolic representation of Quebec's distinctiveness with respect to language is just not enough. I heard on the television not too long ago the president or chairman of the Chamber of Commerce of Ste-Foy who said, you know, people who think this is a matter of language are quite mistaken; it's gone far beyond that. And that was certainly my impression in Quebec.

Language is one facet and a deeply emotional side of things, but there's a fierce tribal nationalism that is a drive for autonomy within Canada or outside of Canada. Among my French-speaking friends, their government is in Quebec City; Ottawa's a foreign capital where you send delegates to look out for Quebec's interests. My specialty exams in medicine, although recognized everywhere else in Canada, are not recognized in Quebec. My association of interns and residents, which had long since withdrawn from the national association; my carte soleil, my Quebec medical card . . . As you may be aware, there were difficulties in western Quebec and eastern Ontario, and physicians treating patients from Quebec would be remunerated only at the Quebec rates, not at the rates of remuneration for their own home province, Ontario in that case, or New Brunswick, the border provinces. Quebec has refused to participate in that.

Now, there are many reasons for that, I'm sure, but you have a really different perspective here. I have to emphasize, if you don't mind, that language and bilingualism – my goodness, it's very simplistic to see things in that restricted light.

MR. CHUMIR: In terms of whether the distinct society has teeth, if the clause has teeth or not, my own personal view is that it does have teeth – that's why it's in there as part of the Charter – and is going to have impact.

DR. McILRAITH: I'm afraid that's how it's going to be sold to people in Quebec. That's what people in Quebec are thinking they're getting, and people elsewhere in Canada are thinking they're getting something else, and this is just postponing problems. We're going to have big problems the next time a case comes before the Supreme Court. There'll be a hue and cry from Quebec or from the other side when things appear not to be going the way they originally thought they were going to be getting them.

MR. CHUMIR: You referred to the medicare system. Would you be in favour of a continuing federal role in setting minimum standards and in using spending power in order to enforce them in the realm of medicare and social services, and if so, should we be trying to put something in the Constitution in respect of that? Because there is a very resounding silence, a total silence, with respect to that issue in Mr. Clark's document.

DR. McILRAITH: I can't argue that in terms of particulars. Again I haven't heard the arguments as to why it should be one way or the other. My sentiment, as I indicated earlier, is my identity is with Canada. I'd like to be able to think that I can move about this country freely and certain things will remain roughly the same. That includes health care, medicare. So in principle I favour a strong federal presence, but of course there has to be some flexibility there. I can't comment beyond that. I must say there has been some disagreement about the difference between national objectives and national standards, and I would certainly favour the setting of national standards and objectives as perhaps a bit too weak.

MR. CHUMIR: Thank you.

MR. CHAIRMAN: Thank you. You raise an interesting point, one that's bothered me for some time, relative to Meech Lake. I don't want to replow that old ground, but you said you were aware that M. Rémillard – and, it is alleged as well, Mr. Bourassa himself – had said at one point that if they had had distinct society in place, it would not have been necessary to use the notwithstanding clause relative to the sign language law. I have discussed that with both gentlemen directly; both have denied vehemently that they ever said any such thing. Therefore, I am puzzled by your reference to it this morning. Now, it may be that indeed they did say such a thing, but all our research indicates there's no direct quote to that effect in place in any news media report on either one of them. Now, certainly people have said that's what they said, but I'm wondering if you have any direct recollection as to when and where that might have been said.

DR. McILRAITH: That's fair enough. A newspaper clipping. I believe it was from the *Gazette*. I'm not sure if I have it in my file at the back of the room, but it was from a newspaper clipping.

I should add that even if that was not said by M. Rémillard or M. Bourassa, again from my experience living in Quebec and reading the newspapers and speaking with my confrères, there are many who thought this is exactly the sort of thing the distinct society clause would provide and should provide. So again we have a difference in perspective – more than perspective – and a fear on my part that something will be sold in one part of Canada as meaning one thing and in another part of Canada as meaning something else.

MR. CHAIRMAN: Well, I don't want to pursue it and I'm not trying to put you on the spot, but I am very curious as to how that understanding came about. Mr. Bourassa put it to me this way, saying: why would I rely on a vague clause, which would have to undergo another judicial interpretation up to the Supreme Court of Canada, on the sign language law when I had an absolutely clear weapon available to me in the notwithstanding clause of the 1982 Constitution Act? So I'm curious about that.

There's another point I wanted to pursue with you a little. You indicated you wanted to see the Charter limited in its scope in some respects. Could you be a little more precise on that point?

DR. McILRAITH: Well, I think the Charter of Rights should reflect the most simple and basic elements we all hold to as Canadians, and in this respect it should be fairly easy to arrive at some agreement as to its contents. Other things that I think tend to be added on are reflections of prevailing political sentiment from various parties, and perhaps they're best left to the realm of political debate and statutory law legislation brought in and removed and amended through the course of regular governmental affairs.

MR. CHAIRMAN: So what you're wanting then, I gather, is one which would limit the Charter to the impact governments have on individuals.

DR. McILRAITH: That's right, the relationship of the individual to the state, what we give up by being citizens and what protects us regardless.

MR. CHAIRMAN: I've put it this way to some people: the Charter of Rights tells what governments cannot do to you, and those people who are advocating a social charter, for example, would have it spelled out what governments must do for you. Now, would you agree that that's the differentiation between a social charter, for example, and the Charter of Rights?

11:40

DR. McILRAITH: I don't think that's a useful dichotomy necessarily. I have reservations about the addition of a social charter but not on the grounds of one being a reflection of what government does for you and another, the negative side, being what government may not do for you, on what grounds you are protected. The social charter again, I think, is something that varies according to political sentiment. I don't think those are fundamental rights we all hold to as Canadians.

MR. CHAIRMAN: Okay. There was one other point – do you want to get in too, Pam? – on referendum. You mentioned the concern that Quebec could be outvoted and the views of the rest of Canada imposed upon Quebec as being dangerous. I assume you might hearken back to the referendum on conscription in the Second World War in that respect. There's also a concern – and I think maybe you were trying to deal with it in the refinement of what you suggest in a referendum – that the west could be outvoted, that Alberta could be outvoted as well in any national referendum. We've seen the polls close in Alberta and Saskatchewan; you turn on the television set and the election is over at the border of Manitoba or Saskatchewan. That, I think, has been a real source of frustration to many westerners. How you would overcome that happening in a referendum vote is one that really gives me some pause for concern. I think perhaps you were trying to deal with that in your refinement of the referendum. Is that correct?

DR. McILRAITH: Yeah. I see those as problems with referenda. I mentioned the example of Quebec because that is what's most fresh and striking in my mind. In fact, the conscription crisis is an example of that. What I see as the role of referenda and what I suggest in fact to have done on a province-by-province basis as a guideline, as another means of ensuring public input, is through our 7 and 50 formula where things have to be ratified by provincial Legislatures. They should be subjected to referenda in the provincial domain before – as well as public hearings; you can't have one without the other.

MR. CHAIRMAN: Okay. Well, I won't pursue any more questions, although . . . I do have one on aboriginal self-government. The notion you referred to, the sovereign self-government concept that was referred to during the Oka situation, has been advanced many, many times by native groups. Do you support that concept as opposed to a more municipal type of government concept?

DR. McILRAITH: It is more the latter that I support. Regardless of what historical injustices have been perpetrated, whatever the original arrangement was 100 or 150 years ago with respect to treaties signed and not signed, I think one has to be fair and reasonable yet practical and live in our present situation. You just can't carve up half of Montreal or large sections of Alberta and say these now belong to a foreign country.

MR. CHAIRMAN: Okay. Thank you.
Pam.

MS BARRETT: My question actually is related to stuff that Jim raised. I want to start off by saying that if we could have everything you proposed here, we'd have no problems at all. I mean, you paint a perfect picture in your recommendations. I don't think anybody would disagree with them. The problem is that chances are good we're not going to get everybody to agree with them. So here's one hard-nosed question that you probably don't want, but it's the one we ultimately have to deal with. Let's say we go to provincial referenda. It's a good idea, by the way, a good suggestion, because that way you're talking about guidelines and genuine public sentiments as opposed to being able to outvote each other, the tenor of which is itself ugly and disuniting. Let's say we go to the referendum province by province and you see that the people of Quebec say okay to everything – they tick it all off; they like all the suggestions – except for the distinct society, and they really want it and want it very clearly. I know the argument you're making about how it's interpreted within Quebec and outside Quebec. Then you get to Alberta and they tick off everything, they like them all, but the one thing they don't like is the Senate reform because it didn't quite give them triple E. Okay? Are you prepared as a Canadian – and I note that you say you're a Canadian above all – to do a little trading? In other words, allow that move toward asymmetrical federalism to accommodate the people of Quebec and move a little bit away from a strict interpretation of triple E to a changed Senate, one that wouldn't allow the most populous provinces to predetermine everything, but not quite equal? Are you willing to trade a little bit?

DR. McILRAITH: There are some particulars about referenda which actually I didn't envisage in the way you've laid them out. In fact, there would be more of a yes or no to a package as proposed had it been negotiated before being brought to public hearings rather than ticking off boxes and one item rejected here and one item rejected there. But perhaps that's not quite the point.

There are some things that at this point, even at the risk of Quebec separating – and not for a minute did I believe this was a bluff on the part of Quebec or a means of obtaining leverage during Meech Lake – I would still not compromise on, again at the risk of Quebec separating. Those are, again, that the Charter of Rights is fundamental and applies in the same fashion no matter where you live in Canada, and that includes Quebec, and it is not undermined, compromised, limited, or constrained in any way by the distinct society clause. The amending formula and the veto for Quebec is another item, and the final item, which you raised, is the triple E Senate: does it need to be exactly triple E? At this point I've remained somewhat flexible on that. Well, of course, I remain flexible on everything; it's still early in the game. I'd like to hear more compelling arguments as to why we cannot and should not have equal representation of the provinces in the Senate. Otherwise, we'd just have a duplication of the House of Commons if it's the least bit imbalanced.

MS BARRETT: No, what they're proposing would not allow a duplication. It would mean that under no circumstances would you be able to have Senators representing the two most populous provinces outvoting the other Senators. That's their minimum anyway.

DR. McILRAITH: You see, our government is set up on the basis of provinces, not regions, now. There are differences between Alberta and Manitoba, and there are differences between Saskatchewan and Alberta. It's that kind of representation that I think we need to see at the federal level. I think we can assuage concerns that this body, which is not proportionally representative, may override the House of Commons by limiting and making quite explicit the types of legislation over which the Senate would have a veto and which types of legislation it would be able to introduce and other types it would be able to amend.

MS BARRETT: Thank you.

MR. CHAIRMAN: Thank you very much.
Pearl.

MS CALAHASEN: Thank you, Mr. Chairman.
You were talking about the process and the formulation of the Constitution. In particular, you're discussing a party campaigning on the basis of a constitutional platform and how they should be taking it out to the general public.

DR. McILRAITH: Yes.

MS CALAHASEN: Are you talking on a provincial level or on a federal level?

DR. McILRAITH: Both. The federal government and the provincial governments have had a role to play and have a role, under our current system, in reforming the Constitution. This is something I mentioned in my brief. I feel that the current federal government and most of the provincial governments do not have a mandate to bring in the types of proposals that are brought in now. I don't remember that this was an issue in the last federal election or certainly when I was living in Quebec that these were matters brought up. Ideally, I'd like to see elections held and one party saying, "We stand for this in our constitutional views," and another party saying, "We stand for that." We then have an opportunity to choose our representatives in that light.

MS CALAHASEN: In terms of continuing with the process, would you say that the provincial governments would then have to go to a voting procedure first, or would you see the federal government going first?

DR. McILRAITH: No, I haven't ever thought about making part of a future amending formula that an election has to be called before. I haven't thought that far ahead. I just think that's a principle of responsible government. These are not, as I've mentioned in my brief, minor pieces of housekeeping legislation that can be turned out at the next election. The implications are too far reaching. My goodness, it's the most basic and decent sense of responsibility that if you're going to do something like this, you don't spring it on the electorate in midterm when we have no opportunity of having any kind of impact beyond hearings but no impact at the voting level for two years and after the fact.

11:50

MR. CHAIRMAN: Thank you very much, Duncan. We could perhaps pursue this further, but in some respects you were able to give us more of your views because of the fact that other people didn't show up this morning and, therefore, you had more time than many people have had. You've also given us more precision in terms of some of your thoughts than many other people have done. May I say as well that members of your profession have not been forthcoming with their views as individuals. I don't want to be unkind to the medical profession, since my daughter is amongst your profession, but they really haven't given us many of their views. You've given us a unique perspective, having worked in Quebec for a period of time and having had the ability to observe at close hand some of the attitudes prevalent there. Thank you very much for coming forward and for your extensive written document. I'm pleased that while you weren't able to be with us in May, we were able to find time to see you today.

DR. McILRAITH: Well, I'm appreciative of the opportunity. This is part of the way things should be done.

MR. CHAIRMAN: Thank you very much.
We'll adjourn now until 1 o'clock. Thank you all for coming and listening and participating.

[The committee adjourned at 11:51 a.m.]

1:08 p.m. **Friday, September 27, 1991**

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to reconvene the panel discussion on the Constitution. Many of you who were here this morning and are back again this afternoon, we welcome you. For those of you who are new, I have a brief introduction. My name is Jim Horsman. I'm the MLA for Medicine Hat and the chairman of the select special committee. My colleagues will introduce themselves briefly.

MR. CHUMIR: Hi. I'm Sheldon Chumir, MLA for Calgary-Buffalo.

MS BARRETT: I'm Pam Barrett, the MLA for the riding you're in right now, Edmonton-Highlands.

MR. McINNIS: John McInnis, Edmonton-Jasper Place.

MR. SEVERTSON: Gary Severtson, Innisfail.

MR. CHAIRMAN: The secretary is Garry Pocock, seated next to me. Other members of the committee are in the hotel somewhere and I expect will be back soon, but we would like to reconvene.

I'd like to invite Keith Alexander, a former colleague in the Alberta Legislative Assembly, to come forward. Welcome, Keith.

MR. ALEXANDER: Thank you. Is there a choice among these microphones here?

MR. CHAIRMAN: Either one.

MR. ALEXANDER: This one's okay.

MR. CHAIRMAN: Sometimes we get more than one person to the table on presentations. That's why there are two microphones.

MR. ALEXANDER: I'll take the one on the right.

MR. CHAIRMAN: Surprise.

MR. ALEXANDER: I'm under a time constraint, I understand.

MR. CHAIRMAN: Yes, we try and keep to 15 minutes, although we do allow flexibility. We hope, though, that . . .

MR. ALEXANDER: It was the 10 minutes that was worrying me, Mr. Chairman. As you know, one of my great strengths has never been brevity.

MR. CHAIRMAN: Uh huh.

MR. ALEXANDER: However, I do welcome the opportunity to address the committee, Mr. Chairman and hon. members. My comments will be based partly on your document Alberta in a New Canada. Let us fondly hope that it's not simply an old Canada with some new wallpaper. The document, I note, contains 10 sections and some 85 questions, which I'd like to have the time to answer but do not. So I propose to comment briefly and in a summary way on the current constitutional anxieties over the cracks in our national superstructure and suggest an Alberta position. Secondly, I'd like to offer a few comments on what I consider to be the more profound problems: the decaying foundations of a society which is showing signs of collapsing underneath us.

Speaking to the paper Shaping Canada's Future Together, released barely four days ago, it's already drawn the kind of Canadian knee-jerk, acceptance/rejection, praise and criticism which was to be expected, which lends some credence to the insight contained in the June issue of *The Economist* magazine: "The glue that holds the place together" – Canada, that is – "is no more adhesive than maple syrup." That may not be altogether true. I detect other adhesives. One may be exhaustion with this constitutional spasm and the interminable grappling with the Quebec question. Another adhesive may be the growing and widespread dislike for politicians, present company excepted, of course.

The Canada paper is a proposal, the beginning of a process which must soon also, I suggest, have an end. The framework of a deal is on the table, and my suspicion is that we need to get it done soon or we won't. Frustration in all camps is not very far below the surface. I had a chance recently to play golf with three Quebeckers in Toronto. Afterwards I asked them to help me understand the current mind-set. What would be the result of a referendum held now on the independence question? All three were quick to say, "It depends on the question." So I said, "How should it be phrased?" There was no agreement among them. I asked them about sovereignty association: the same answer. What kind of association? What kind of economic deal would we have?

When that discussion came to no conclusion, I suggested to them that a rational, disinterested third party, perhaps some alien from Saturn or wherever, looking at their current status could not help but conclude that they already had a de facto sovereignty association: sovereignty in their National Assembly, their Prime Minister, their own flag, embassies bigger in some cases than those of Canada, pension funds, the tax system, the stock exchange, banks, language, culture, and civil law added to the right to suppress minorities' rights with impunity. In addition, their native sons have run our country for approximately 30 of the last 40 years. What's left for sovereignty?

The key advantage of the association side of the equation is, of course, ready access to the federal treasury and not much else needs to be said. One of my friends, Gerry Desmarais, expressed frustration at the whole issue, providing me with a key insight. "We are all hostages to our politicians," he said. I suggest we remember that as Mr. Bourassa devises his strategy running up to the fall of 1992, referendum time. Will he have it, or will he short-circuit it in some other way? Mr. Mazankowski said on Tuesday morning that Mr. Bourassa is a great federalist and doesn't want a referendum; he may not get the right answer. I say that he's a political pragmatist and will do what he needs to do in order to win office again.

Here's where I say Alberta should take a position. I think we need an answer. This has gone on long enough. Alberta should insist on adding to the definition of the question here offered terms and conditions – territorial, monetary, fiscal, trade, and other relevant matters – as the framework for the question and then ask that the referendum take place. The question, I think, has come to the point where it transcends the careers of politicians.

Finally, on the constitutional side Alberta should oppose the changes to the notwithstanding clause and, in my view, should use it more. The Supreme Court Charter and constitutional decisions have drastically altered the fundamental character of Canada to its detriment, in my view, which brings me to the fundamental problems I spoke of, of decaying social foundations.

The court has shown a propensity toward liberal humanism, multiculturalism, radical feminism, and many other aberrations which are undercutting the moral and social fabric of the country and that beyond the reach of legislators. If we are to survive as a viable society, then I feel we must address the major areas of social structure and change some directions. Perhaps this new Canada document presents us with that opportunity.

I believe the first structure we need to address is that of the nuclear family, with an underlining of "nuclear". Two quick quotes if you please. Recently the prominent sociologist Robert Nisbet argued: when the family is a powerful allegiance, the state may reign, but it does not rule; conversely, when the state is powerful, the family is weak and loose. If we allow the state to assume responsibilities that properly rest with the family, church, or school, we risk destruction of the units that provide our ethical core.

George Murdock, another sociologist, commented: in the nuclear family and its constituent relationships, we see assembled four functions fundamental to human social life: the sexual, the economic, the reproductive, and the educational. Without provision for these, society will become extinct. Life could cease; culture would come to an end. The immense social utility of the nuclear family and the basic reason for its universality thus begin to emerge in strong relief.

Education is another area that's critical in this discussion. I say that it must stop undermining the family and family-taught values, especially those of faith. Catholics, of course, have special privileges in this regard: state-supported schools. That's fine by me, but what about us WASPs and other non-Catholics? Alberta could lead the country in rebirth of educational effectiveness by introducing a voucher system. This, of course, would presume a currently outrageous idea that the minds and souls of our children are more important than the bureaucracy, but I think you can handle it.

It's a world of ironies, isn't it? We've been witness to the collapse of Communism and socialism all over the world and the exposure of the bankruptcy of atheistic materialism. You might be interested in knowing some of the things that currently are happening in Russian education. Campus Crusade and Christian Embassy have been devising curricula for Russian teachers. At a republic of Russia convention in May, 852 registered participants came. They viewed a film on the life of Jesus Christ. Said one Leningrad participant: "I will teach my colleagues and students Christianity. Faith in Christ is to redeem us. The convocation raised my interest in God and put an end to my illiteracy." I thought that was a rather interesting term. "It stimulated me to learn more."

1:18

A follow-up meeting in Moscow, Vologda, and Leningrad in subsequent months drew 705 educators, who returned home carrying a 10-lesson curriculum prepared by Campus Crusade. The title of the curriculum: Christian Ethics and Morality, A Foundation for Society. A 1992 lineup of similar conferences potentially will involve 3,200 more Soviet teachers. Can you imagine the reaction if such a curriculum were suggested for Canadian public schools?

I'm running out of time. There are too many issues and they're too deep, but I can't quit, Mr. Chairman, with your indulgence, until I say one brief word about budgets. In the new Canadian paper I gather there is to be some co-operation in this exercise. For a long time Alberta led the way in prosperity and budget surpluses. We must ask ourselves whether that was just a spike-up in commodity prices, or are we really the responsible managers we claim to be? It's a hard question.

Quebec, ironically enough, is perhaps leading the way if its recent announcement is valid. The Quebec government served notice yesterday that it plans major streamlining of services and personnel to cut expenses and avoid new tax hikes. Commenting on a leaked Liberal caucus report that calls on the government to slash as much as 30 percent from its senior civil servants, Treasury Board's Johnson bluntly agreed that significant cuts are in the offing. We have to look at the fundamentals of government spending, the number of programs, their scope and their financing. I believe that would be a good place for this whole conversation on the federal/provincial level to start, and it's probably a very good place for me to end.

MR. CHAIRMAN: Thank you.
Sheldon.

MR. CHUMIR: Thank you, Mr. Alexander. I must say I find myself maybe a combination of amused and bemused by some of your comments. If I interpreted them correctly, you've been somewhat fed up with the demands of Quebec and are suggesting: let's put them to a referendum. Why I'm amused and bemused is because for the past 15 years I've been listening to the Alberta government describe Quebec as our best friend, and indeed we've been arm in arm and lockstep as allies in attempting to get the federal government out of medicare and social services and a whole range of things. Now we have Meech 2 with a proposed big transfer of powers to the provinces. I'd be interested if perhaps you'd enlighten us as to your response to those proposals and what you don't like about them, if you're not happy with the package that obviously is directed to giving Quebec more power.

MR. ALEXANDER: Mr. Chairman, I find myself bemused and perhaps a little confused about the question, but if I understood it correctly, the document you speak of, Shaping Canada's Future Together, is a constitutional proposal for all provinces which, as I understand it, has received a mixed reaction in Quebec so far, and that discussion will take place. That, I think, is the beginning of the process, as the federal people have described it. I guess my point – and perhaps I didn't describe it very well – is that this document has received the sort of typical reaction in Quebec: Mr. Parizeau says that it's inadequate; Mr. Bourassa has his doubts about it but it's a beginning. What I'm saying is that eventually Quebec has to answer the question as to whether it wants to participate in this Confederation or whether it does not. That's a question that's very separate, as I see it, from the issues you described about Alberta's concerns. I don't think there's any real way to relate something like the NEP and Quebec's aspirations. I was one, for example, who was very interested and always felt that René Lévesque's paper back in 1976, I think it was, Quebec-Canada: A New Deal, was a very viable document, a very viable arrangement, because it was seeking to transfer some federal powers.

If I had to answer the question in brief form, I guess I'd say somewhere between this document, the sovereignty association document, the original one in '76 and this one, which is the new federal one, there should be a deal made. But I think Quebec has exercised a kind of leverage over Ottawa and over the rest of us by always hanging this doubt out there of whether they're going to stay or whether they're going to go. I don't think we can continue and they don't think we can continue being a viable Confederation as long as that question is hanging out there. It has to be answered, and I don't think that has anything very much to do with Alberta's friendship or nonfriendship with Quebec. I have lots of good friends there, but they need to answer the question, and they want it answered too, I believe.

MR. CHUMIR: As an Albertan would you be able to give us your views on the substance of the package that's been proposed by the federal government in terms of the transfer of powers?

MR. ALEXANDER: Well, I've already given my comment about the notwithstanding clause. I think it's a beginning of the process. It outlines way too many items to sort of comment on. One of the very advantageous suggestions is sort of bringing out on the table the budgetary process, which I think would be a great benefit. I think the secrecy that's taken place in federal budgeting so far is not constructive. The lack of co-operation on the federal/provincial level in lots of places where they could cooperate is not constructive. I think there are ways in which the Bank of Canada could benefit from regional representation. I agree with the comments made by former Premier Lougheed in the paper this morning, that if the Bank of Canada were structured more like the federal reserve board in the U.S., where the regions would have directors who could actually be influential on bank policy, that would be an improvement on what's been suggested. I see that as being potentially possible once the discussion is open and it's on the table. But it's too big a package for me to sort of take a summary run at. As I said, I'm not very good at brevity.

MR. CHAIRMAN: Thank you very much.
John.

MR. McINNIS: Mr. Alexander, I was a little confused about one thing you'd said regarding the role of the education system in relation to the nuclear family, particularly families of faith, I think was the term you used. You talked about how the Roman Catholics have a school system and asked the question "What about us WASPs?" or something to that effect. Then you went on to refer to an initiative I'm familiar with, the Campus Crusade initiative in the Soviet Union, which to my knowledge is entirely a private initiative, not state sponsored in any sense at all. What was it you were trying to say about state-sponsored education? Do you want to do away with Catholic schools? Do you want to create WASP schools? What is it that you were trying to communicate to us?

MR. ALEXANDER: I want the school system to support and not undermine the faith system the kids go to school with. For the last three generations at least, young children in this country who have been through the public system, particularly in the last couple of generations, have come away with the impression that what they've learned at home or in their churches and so on isn't scientifically so. Many other values their families may have tried to teach them have simply been undermined by what they learn in school and not supported. Frankly, I think that's been a very destructive process. While the Catholic system has been able to maintain to a greater degree that integrity between the family's view and the view expressed at school, others have not unless they enroll their children in private and independent schools. I personally have enrolled a couple of my kids in those schools for precisely this reason. I have more than a little bit of experience in this area, having put six kids through the system, and I think I know from personal experience about how this process happens. I think the state, if it's going to get in the sponsored school system, should simply stop undermining people's moral integrity.

MR. McINNIS: Well, the difficulty, as I see it, is when you use a phrase like "families of faith." There are quite a number of faiths represented in what we call the public school system. If you use the example of the Catholic school system and private schools which are based on particular religious faiths, are you in fact talking about a system where children are educated only in their own faith or the faith of their parents? Is that really what you mean?

1:28

MR. ALEXANDER: I think that should be a choice; that is a choice currently. There are schools in the system which offer that, and I think they should continue to offer that. My point in suggesting the voucher system is to put on the table the possibility that parents can go to the market and find the kind of education – which doesn't just include faith; it may include a lot of other things – that the parents find to be valuable. That needs to be available on a broader basis than it is now, and I just don't think the public system is serving those purposes. I won't even talk about the literacy problems and the general level of educational values that come out of them. Let's leave that aside.

MR. McINNIS: Thank you.

MR. CHAIRMAN: I'd just follow up on that a little bit. We've been hearing a point of view being put forward that in order to strengthen the educational system in Canada, the federal government should be given a greater role. Now, that is a constitutional issue. Some of the issues you have been mentioning are basically policy issues, which have to be decided now by the provinces because they have the responsibility for education under the Constitution of Canada today. What would your reaction be to transferring some of the responsibility for education to the federal government in a new constitutional arrangement?

MR. ALEXANDER: I think, Mr. Chairman, it would depend entirely on what responsibility. If it's a responsibility for funding, then however the funds flow, as long as they flow through a voucher system and provide the selectivity, I don't care who provides the funding. If they want more influence in terms of curriculum and things like that, then I'd say that's not necessary. If they want to fund more curriculum material and let that rise out of the demand in the system for certain kinds of curriculum material, that's probably harmless enough. But I would want to be careful to delineate how they were going to participate, personally. I don't think they need to participate in the curriculum side.

MR. CHAIRMAN: Well, that, quite frankly, is the crux of the issue, I think, in terms of some of the arguments that are being advanced for greater federal participation in the process.

One other question. There's been a concept advocated of a social charter of rights being put into the Constitution to match, I guess, or to supplement or somehow be in there with the Charter of Rights and Freedoms. How would you react?

MR. ALEXANDER: Negatively.

MR. CHAIRMAN: Why is that?

MR. ALEXANDER: Well, as William Watson says in a very well-stated article in the *Financial Post* this morning on the very subject, we're not all social democrats and we don't want to be required by the Constitution to be so. Frankly, our social arrangements should be a matter of choice. Constitutions are for defining the principles on which policies should be made. That's not a principle; it's a way of executing social policy. Frankly, I simply disagree with the idea.

You know, the United Nations Charter in 1948 started out to define human rights after the mess of World War II. I think they ended up with some 48 of them, which since that period of time have expanded to a multiple of that, perhaps a hundred different human rights, to the point where now the term is virtually meaningless. I mean, you can almost go somewhere and find a jurisdiction where people believe that virtually anything you might pose to them may be a human right and it will be carefully considered. We're at risk of making a lot of very important terms that knit the social fabric together really quite meaningless, and in my view that's just another one of them.

MR. CHAIRMAN: Thank you very much, Keith, for coming forward and giving us your views. As usual, you haven't beat around the bush in giving them to us.

MR. ALEXANDER: That's right. I hope I haven't left you all bemused.

MR. CHAIRMAN: Alex Reed. Welcome, Alex. It looks like you're going to give us some audiovisual to assist our understanding of your point of view. I'm not entirely sure how that might translate into *Hansard*, but let's have a go at it in any event.

MR. REED: Thank you, Mr. Chairman.

MR. CHAIRMAN: We've never had *Hansard* with pictures, so maybe this will be a new . . .

MR. REED: Given that it's a Friday afternoon and a beautiful afternoon at that, I thought it would be appropriate to share with the committee a perspective that I have in terms of our Canada.

Mr. Chairman and hon. members, last June I had the opportunity to participate in the Governor General's study tour program. This program occurs every four years and enables young Canadian leaders from a wide variety of occupations and professions and from geographically diverse parts of the country to come together, not simply to celebrate Canada and being Canadians but rather to define and promote a more powerful Canada, a kind of mini Spicer commission, if you would, but with a major twist.

Our role was to live, breathe, and sleep that region to which we had been assigned. So for three and a half weeks I had the fortunate pleasure and opportunity to be in Quebec City and the Eastern Townships of Quebec. This simply wasn't a visit or an exchange program; it was an intense, 18-hour-a-day immersion into the life and blood of what we know as Quebec. We were challenged by Governor General His Excellency Ray Hnatyshyn to put Canada under a powerful microscope and to carefully examine it. Our role was to go, listen, and learn. We were to act as the ears, the hands, the mind of the nation and were to seek out the pulse and heart of our country.

I couldn't possibly begin to share with you and the committee what occurred over those three and a half weeks within the few minutes that we have together this afternoon. However, what I wish to share with you are a few impressions that I've gained, and most importantly I hope to touch an emotional cord in each of you.

Canada began as two cultures, French and English, both working hard and long, side by side to build this nation we now call Canada. Because of that, I believe two cultures have the right to survive together. Secondly, I was surprised to discover that the majority of Quebeckers were very much like Albertans. For example, they felt that what they had heard in the media had little reflection of reality. The media across the country tend to enhance the negative, focus on the worst case scenarios, and have little idea of what or how the average Canadian in this country really feels.

I found that most Quebeckers – and I think you'll find this surprising, Mr. Chairman and the committee – are against multiculturalism and bilingualism. I quickly came to realize that these other Canadians were good people who had similar concerns and problems like you and me. There's one major difference: they have a spiritual, cultural, emotional, and social need to have their language and culture entrenched in the Constitution of Canada by being recognized as a distinct society. This major difference, this need, is the only reason why Quebeckers are seriously talking about sovereignty association or an independent Quebec. These other Canadians are so committed to retaining their culture and their language that they are prepared to go it alone out of an act of desperation. What I came to recognize was that most Quebeckers desperately want to come to some kind of compromise and agreement with the rest of Canada and be part of this great nation.

The questions we must now ask are: how do we teach people to be tolerant and not to judge? How do we inspire and not impose? How do we inspire people to have mutual respect as opposed to condemnation? How do we generate and deliver fairness? How do we respect the fragile nature of those who do not feel that they have that respect, and how do we persuade those that do to make room for those that don't? How do we accommodate the unique contributions made by all Canadians, and how can we best celebrate those contributions once they've been made?

Our country really is facing a national crisis, one in which the very future of what we grew up knowing as Canada is desperately at stake. Never before has there been such a need for all Canadians to participate in the affairs of our country. If ever there was a time when our country needed a bright, concerned population, alert to risk yet keenly aware of the opportunities, that time is now.

As I discovered, there is more to our nation than a Constitution. Constitutions are just the ties that bind a country together. As Canadians we have ties to history and geography, culture and feelings. Just because cultures are different and solutions are not easily found is no justification for us to give up seeking ways to avoid Quebec's separation. I believe in a modest restructuring of federalism. I believe certain powers must remain at the federal level, and if we are to survive as a country, Canada needs a strong centralized government, an authority to speak for all Canadians, resolve national issues, overcome regional disparity, and fulfill a leadership role with respect to social, economic, and environmental concerns.

1:38

The Governor General's program was an experience that I shall never forget. It helped me to learn how much we can usefully learn when we train ourselves to ask questions and really listen with the intent of learning rather than simply guessing, assessing, pontificating, accepting the media's opinions and commentaries as our own. This program challenged my complacency, and I developed a severe allergy to mediocrity, insensitivity, and indifference. I feel more a servant of our country than I've ever felt before. The fears and aspirations I heard humbled me. The successes, hopes, and optimism encouraged me. They also provoked my passions, taunted my patience, challenged my passivity, but, most importantly, inspired me with an empathy for more understanding of my fellow Canadians, those other Canadians.

My message is simple. Canada has come to a critical watershed in its history. An important responsibility falls to each of us not only to contribute to charting our nation's course harmoniously through these turbulent times but, more importantly, to recognize the need for a deeper understanding of the complexity of our country and develop a clear idea of the bravery that underlines our determination to live with a mosaic in which differences are celebrated and similarities are cherished.

I thank you for the opportunity of being able to share this with you today, and I look forward to responding to your questions.

MR. CHAIRMAN: Thank you very much, Alex. You've had quite an experience, that more Canadians should have the opportunity to enjoy.

Are there questions or comments? Yes, Pearl.

MS CALAHASEN: I have one, Mr. Chairman. On page 2 you were talking about how Canada began as two cultures. As a native Canadian – and as native people have been telling us, they feel very slighted by the fact that they haven't been recognized as a third group who developed Canada. I just wondered what your thoughts were regarding the fact that you say you believe both cultures have the right to survive together. Where would the native people fit in?

MR. REED: Quite clearly there's a difference in terms of what I saw or what I believe were the beginnings of Canada as a country. I think there were nations associated with the native culture in terms of those people who resided in what we now know as North America or Canada. So my term of "Canada" – on page 2, in particular, referring to the two cultures as beginning Canada – refers to simply the fact of that culmination of something that we formally called Canada as a country. Quite clearly I think the native peoples have an important part to play in terms of being able to configure what we believe to be a Constitution, so quite clearly I see their role as being critical. The whole point of my presentation this afternoon is to recognize that there is something unique, there's something distinctive, about the French culture in Quebec, and that's not to mitigate what the natives have in terms of their own rights.

MS CALAHASEN: That's one of the problems that has existed in the history of the development of Canada, not being recognized as part of the Canadian mosaic. I guess that's where multiculturalism comes in. The native peoples don't believe in the word "multiculturalism" because it's based on the tenets of immigrating to Canada. If that's the notion that's being used here, then I can see where you're coming from, but if it's not, then the problem continually exists in terms of where native people fit into the Constitution.

MR. REED: I agree with what you're saying, Pearl. I think the reason the Quebeckers, at least in my opinion and those that I met, are against multiculturalism and bilingualism as a program is because you don't legislate attitudes. Quite clearly what you're saying is that in terms of the overall scheme of things the natives have to be members of this mosaic as much as any other member of that group.

MS CALAHASEN: Mr. Chairman, if I can?

MR. CHAIRMAN: Yes.

MS CALAHASEN: I just wanted to talk about the distinct society. You're talking about Quebec saying they have a difference in a spiritual, emotional, and social need of language and culture. With the way the definition of "distinct society" is being brought out, do you think that would help Quebec accept the package that has been brought forward?

MR. REED: Yes, I do.

MS CALAHASEN: Do you? Thank you.

MR. CHAIRMAN: Thank you.

Other questions?

MR. CHUMIR: Thank you for an excellent presentation. You've been very strong in indicating and explaining to us how Quebec feels they need to be recognized as a distinct society in order to recognize our language and culture. There is a tremendous amount of resistance to this in other parts of the country, not so much in terms of recognizing them as a distinct society but in terms of doing it in a way that impacts on the Charter rights of other individuals in Quebec, for example, which would in itself legitimate the sign laws without requiring the notwithstanding clause. There's a tremendous amount of concern about that, particularly compounded by the feeling that Quebec does have a language and a culture which have done very well, which have thrived under the present circumstances, and it's not objectively necessary. I'm wondering whether or not it was your impression that Quebec would be prepared to go along with a symbolic statement in the preamble or something in support of their status as a distinct society, as opposed to requiring it in some substantive portion of the Constitution.

MR. REED: If I understand your question correctly, I might share with you some impressions. One was that quite clearly the immigrant population that is arriving in Montreal – and there is a large immigrant population arriving in Montreal – is being faced with the challenge of determining which language they should receive their formal education and subsequently converse in. That trend is obviously to speak English. That has those Quebeckers residing in Montreal concerned about what the future of their culture and their language and their heritage would mean in terms of that assimilation of these newcomers. I make that point first of all.

Secondly, I think in Canada there tends to be – and I speak from personal experience – a reluctance, maybe a naivety in terms of being able to participate in this formal discussion. People are so concerned about putting clothes on their children's backs, food on their table, and a shelter over their head that they haven't time to be able to really be concerned about formulating opinion on these types of issues and as such tend to absorb and actually reiterate those things that are provided to them by the media. When I arrived in Quebec, I began to see that there were Quebeckers who were concerned about Canadians who, particularly in the Cornwall area, basically had created a confrontational situation in terms of the languages and, you know, stamping on the fleur-de-lis as a flag. We as Albertans, or at least neighbours of mine, felt that Quebeckers were doing the same in terms of the Canadian flag. Both of those, though, were extreme ends of the scale.

My presentation is to say that the reality that exists in Quebec, the Quebec that I saw, is quite different from that. There were people who are genuinely concerned about life, about living as a Canadian, as you or I are as Albertans. The problem is that they don't understand and don't appreciate what's occurring in Alberta, as we don't understand and appreciate what's occurring in Quebec.

1:48

So you're right, Mr. Chairman. If there were greater opportunities for our youth and for us as fellow Canadians to be able to have some cross-cultural links and exchanges, it would be ideal, but the reality is that most Canadians head south or to Europe in terms of being able to vacation and broaden their overall experiences. I think that's a shame.

To answer your question directly, I think Quebeckers as a whole must and need to feel in a substantive way that their rights in terms of a distinct society are entrenched.

MR. CHUMIR: That means, then, some form of substantive jurisdiction over the Charter of Rights. For example, you mentioned immigration. Immigrants to Canada who've come to Quebec have to send their children to a French school; it's illegal to send them to an English school. They already have that. What more might we be looking for in respect of that key example that you yourself gave forbidding English to be spoken?

MR. REED: Okay. Again the substance of your point is that although it's a law, it's a law that has been invoked by politicians. I think if you talked to those general Quebeckers, the average Quebecker, they're not in support of that type of legislation. Again, you can't legislate attitude.

MR. CHAIRMAN: Well, thank you.
Gary Severtson.

MR. SEVERTSON: Mr. Chairman, that was the question; I wanted to get onto that language law. Alex answered it.

MR. CHAIRMAN: There are a couple of points you raise in your paper which I wish to question you on a little bit: the role of the news media, in particular. This has been a recurring theme throughout our hearings that the media have a role to play, and many people have made quite negative comments towards the news media for their failure to more accurately portray reality, as you put it here. They felt what they had heard in the media had little reflection of reality. We've heard that here quite often. Although it's never been reported, interestingly enough, people have been saying those things. How do you think we can deal with that particular issue?

MR. REED: That's a very good point. In fact you, Mr. Chairman, did an excellent job on CBC the other morning in terms of being able to field those kinds of comments. If we take for an example just this morning's report on Mr. Clark's meeting last night in Quebec, of the 400 or so people that were there there were about 35 to 50 hecklers, but quite clearly the hecklers got front page in terms of the news media and the media in all aspects. There were many numbers of people, those people that I would call the average citizens of that region, the average citizens of Canada, who were overlooked. All this week in terms of the CBC reporting, at least on the radio in the morning – and I'm sure you've had an opportunity to listen to some of those things – there hasn't been one positive story, one positive element, one positive aspect supporting those kinds of constitutional changes or even the work of this committee.

I mean, I work in the postsecondary environment. I know that the schools of journalism today are teaching young journalists to take their personal opinion off the editorial page and spill it all over the rest of the newspaper. For example, I am a father of five. I think it's important for my children to have an understanding of what's going on in the world, but at our household we don't receive any newspapers; we don't watch TV in terms of the news – our only source is CBC radio, which in itself may be a mistake – the point being that I believe the best way and the opportunity of being able to teach my children to make an opinion of things is to get the information that they can from whatever sources and then in some way formulate an opinion. I think the problem we have today is that our journalists are irresponsible in terms of being able to indicate when they're passing judgment in terms of their own particular and personal opinion and when they're actually reporting a story.

MR. CHAIRMAN: Okay. Well, that was one point that I wanted to pursue a little further with you.

On your page 4 you indicate that you believe in a modest restructuring of federalism. Then you go on to say that Canada needs a strong central government, et cetera, to fill a leadership role with respect to social, economic, and environmental concerns. At the moment the Constitution by and large leaves social concerns in the realm of the provinces. Education, health care, welfare: these types of major social programs are the responsibility of the provincial governments. So to give the federal government a greater role in those particular areas would be more than a modest restructuring of federalism.

MR. REED: Point well taken. In terms of clarifying what I was referring to there, I'm talking about equity in terms of social programs for all Canadians, and simply that.

MR. CHAIRMAN: You're talking about establishing through a process basic fundamental levels, minimums really. Is that what you're getting at?

MR. REED: Exactly.

MR. CHAIRMAN: Okay. Thank you very much. You've obviously learned a great deal about Canada that a lot of us would have looked for the opportunity to have. We appreciate your great commitment and sentiment in support of this country and wish you well, and your five children and your wife as well.

MR. REED: Thank you, Mr. Chairman and members.

MR. CHAIRMAN: Margaret Pigeau. Is that correct?

MRS. PIGEAU: Yes. I wish to thank the committee on the Constitution for hearing me. Is this loud enough?

MR. CHAIRMAN: Yes.

MRS. PIGEAU: I have intentionally prepared my presentation in English to be well heard and well understood. I was born 70 years ago in Saskatchewan, smack in the middle of Canada. I am descended of Henry Wolcott, who came to America in 1630, an Empire Loyalist – that's my English ancestry – and Abel Goevjon, a French settler who came from Guînes par Calais, France. I feel justified in expressing my views on how a bilingual Canada should learn to get along for the benefit of the three founding nations: the Indians; the French, who settled in the eastern part of Canada in 1534; and the English, who came later and conquered in 1759.

Yes, I would like to see one prosperous Canada from sea to sea governed by a strong federal government, 10 provinces governed by their elected representatives. I would like to see the Senate abolished, for they are such a financial drain on public funds, and its usefulness is questionable. Elect instead one representative from each province accountable to the federal government and the province, empowered with effective representation to both.

We have many problems to overcome to keep Canada one: ignorance of each other, of what makes us tick. We express all kinds of inaccuracies about each other, and we express them as undeniable fact. We are very misinformed and perhaps don't really want to know the truth, for this could situate us in the wrong. There is also a lot of bigotry. Call it like it is. Even when we try to hide our true motives under the guise of the good of the country or some noble reason such as it's fairer to the other, we fear so much that the other will get a little more of what we won't give up in spite of our abundance.

We say that our culture and language are superior to that of others so we are justified in imposing them on those who haven't been lucky enough to inherit them at birth. We believe we are a superior race or nationality so it's all right to beat up on others and lord it over those we feel don't belong. It's a real problem to bring together French Catholics and English Protestants. There is not only a race and nationality aspect here but also a religious one. Unless we try to walk in each other's shoes and experience at least by imagining what it means to bear the losses and burdens we're trying to impose on others, we will lack the goodwill to lick this thing.

1:58

We must discuss our differences frankly if we are to resolve them. When we hear statements or clichés that are a bit off or not quite true, we should clarify them, at least in our minds. Here are a few. To understand each other we should speak only one language, and of course that's English. How would the English people feel if the language of choice were French? Would there be recrimination, and justly so. Still, some English-speaking people think it's all right for the French to give up all that makes them what they are, and that applies especially to the 1 million Francophones outside Quebec. They were born and raised here and they contributed to the good of their country in the province of their choice.

The way to get along is not by speaking one and the same language but by respecting the different cultures, languages, and religious beliefs of others. Who are these bigots who promote the one culture/language solution, and who are they to decide, since they have nothing to lose? To demand that we align ourselves towards an English only society such as a newly formed party advocates is no better than to be a white supremacist. Both ideologies are unashamed to promote the taking away of people's rights and claiming their own are supreme and imposable on minorities. The voice of D'Alton McCarthy, a Manitoba Member of Parliament of the late 19th century, is still being heard in the corridors of time. He still multiplies his speeches against Catholicism and the French language through those who still share and promote his views and discrimination. He fumed angrily at one of the sessions: will Canada be French of English? To strike a fair deal, Mr. McCarthy, let Canada be neither French or English; let Canada be bilingual and multicultural. Let's get along by letting the other live and prosper, and no more of this nonsense, please.

The news media should take a fair blame for the situation we're in. They contribute by favouring and accenting the anti French Quebec sentiment by their choice of material or their interviews. This spreads hatred against some minorities. Surely in a culture there must be enough positive material to talk about. They interview people who have difficulty expressing themselves in English and make them look ignorant. They dig in the festering points: Quebec wants this or refuses this. The why is what I want to hear about.

French has been forced down our throats. The counterpart is true: English was forced down the Francophones' throats for hundreds of years. We fought to keep our language alive. We sent our children to the separate schools where French would be taught to them while we paid our taxes to the public school system from which we received absolutely no help in educating our children for many years, though we did make representations. We built our schools, kept them up, and paid our teachers. We learned English also to survive in an English environment, and that wasn't so long ago, for this was the situation in British Columbia in 1960. We say it's too costly to translate documents in both languages. If the documents had been translated then, in all fairness, it would have cost much less. The Francophones paid their fair share in having everything drafted in English, so now it's time for the English people to oblige.

We say, "What's wrong with being Canadian?" meaning English-speaking of course. Nothing wrong with that, except your definition of Canadian differs from mine. I am just as much a Canadian when I speak French as when you do. I just happen to have a different culture, language, and religion than you have. We say that Quebeckers don't try to speak English. I have found the opposite to be true. Listen to them trying their darndest even when they experience difficulty in expressing themselves and even if they feel embarrassed. They are beginning to be upset that Anglophones don't usually make the similar effort to communicate with them.

Building schools to educate the Francophones is too costly. The student will occupy the space somewhere anyway and will cost X dollars to be educated no matter what school he or she attends. Let those French immersion schools continue the good work they are doing. Promote the learning of the languages of multicultural groups. Let English be well taught. Let the students also be taught by example ethics, tolerance, morals, self-control, good studying habits, understanding of others even if they are different. Let them experience somehow patriotism and love of country. Expand on what bigotry is and expose its ugliness so they can expel it from their thoughts and deeds.

There are a few other areas that I would like to touch upon. We are destroying a great number of members of the generation to follow by abortions. Medical advances now prove without a doubt that the fetus is not a blob of tissue but a living entity developing at its preset timing into a babe capable of living outside its first home. Because of a word, really a technicality, we continue to destroy precious human beings at an alarming pace. All the stages of pregnancy are necessary to bring forth a complete human being at birth. The favouring of promiscuous living is the cause here, another topic that ties in to this topic. Peep shows, pornography, most videos, much of our films need to be cleaned up in conformity to human decency.

Members of Parliament sitting around the country's financial platter should stop spending the people's money foolishly and lavishly on family trips, substantial raises, and bonuses in a time when restraint is still in order. They refuse one iota of salary increase to their civil servants – hypocrisy. Too much money is spent on entertainment and sports while necessities such as health care, shelter, food allocations are insufficient. Let essentials be covered first.

Other issues such as unemployment, bankruptcies, the state of our education system, our filthy racks and counters I would like to expand on, but I will only touch on one more issue which is really what started me going in the first place: the lot of the Francophones outside Quebec if Quebec separates from the rest of Canada. The lot of the Anglophones in Quebec concerns me too, though I do not think that they were abused in any way. I regretted that sign law, but I know that the English-speaking people in Quebec have their hospitals, their schools, and a lot of social programs. Surely a little compromise either way would help solve all these concerns and problems with the least hurt imposed on those affected. The distinct society clause is not so much a deal when we read it as an assurance that Quebec wants to remain French and not be swamped by the English majority.

I have discussed frankly, openly, even bluntly, and tried to suggest some solutions as I see them. My purpose is not to hurt anyone but to discuss honestly without beating around the bush what disturbs me and many others. I wish to thank the majority of fair-minded Anglophones – and there are many; many of them are friends of mine – for their willingness to support the efforts and struggles of those who wish to be who they are and contribute to the well-being of this country.

This presentation was prepared by a group of nine friends who came over one evening. I thank you for hearing me.

MR. CHAIRMAN: Thank you very much, Margaret, and to your friends who gathered together to consider seriously the issues facing Alberta and Canada, we thank you very much.

Are there questions and comments?

I had one that I thought that I would like to touch on, and it relates to your concerns about moral issues. You touched on one or two or three towards the end of your comments, in particular the issue of abortion, pornography, and these concerns. As legislators we have to deal with trying to reflect the views of our constituents, and there is a real debate on that issue. It's influenced to some extent by religious backgrounds, and you made reference to religion in your comments. It's difficult for us, living in a pluralistic society as we do, to try and put a moral code in legislation let alone trying to put it into the Constitution of the country. I'm just wondering what your thinking is in that respect relative to how the Constitution might be altered or changed in that area of moral judgment.

2:08

MRS. PIGEAU: Well, I feel it starts with education. The point was touched before me. I think that schools should teach morals, ethics, justice, tolerance. Those are all values that will help us live as adults a human, decent life. Now, how do you put this in the legislation? That's a little more difficult to resolve, except if the federal government had some say in some areas of education across Canada. I don't know.

MR. CHAIRMAN: Okay. I'm not trying to press you beyond the point that you are comfortable in addressing this issue, but it is a dilemma to us as to how we recommend how the Constitution might reflect concerns for moral issues. Originally, of course, when education was made a clear responsibility of the provinces, one of the underlying factors there was that Quebec wished to maintain its Catholic education and the other provinces wished to maintain a Protestant education. That's one of the reasons it was put into the Constitution that the provinces alone would have the responsibility for determining educational policies for the citizens of those provinces and the country.

MRS. PIGEAU: That is true, but I believe the first person who presented a brief was mentioning that the public school system needs something to better the moral living of their students, and I know it's a provincial issue.

MR. CHAIRMAN: Okay; thank you.

Sheldon.

MR. CHUMIR: With that kind of direction into education there is a question that I'm very interested in. You spoke about being in favour of bilingualism and multiculturalism, and while we initially started off as an English/French community, Protestant/Catholic, native origins, we are becoming increasingly multicultural, not just French and English. There are many different groups who are coming here. The right of the Francophone community to have Francophone schools has been entrenched in the Constitution. I'm concerned with where we go in our society with these many multicultural groups: Oriental groups, East Indians, different Christian denominations. Are we and should we be moving in a direction where every group has its right to its own schools in which our children are segregated? I note that Canadians have told Mr. Spicer and others – they're telling me – that they want to see our policies and institutions bring people together, not divide them. So what would be your vision of how we should be educating people in the future in a country that isn't just French and English? Should Francophone schools be a precedent and model for everyone, or should they be exceptions because of history?

MRS. PIGEAU: Well, I think Francophone schools should be a must in most areas except if they are really not numerous enough to warrant. It would become a very costly proposition, but I believe that multicultural groups should also be given some form of education in their own language, again where numbers warrant. I don't think it would cost that much more to educate a child in one language or the other once the facility was established.

MR. CHUMIR: It's been suggested that the cost is not really economic; the cost is what happens to your society when you divide people. We have models around the world of people divided. The theory is that children should mix and go to school together in order to know each other, that it's unhealthy to segregate, as we noted in the United States with the move to integrate between blacks and whites.

MRS. PIGEAU: Well, I believe it's a good idea to socialize, but I know a language cannot be learned if you keep them together. I know that some 30 years ago I suggested to school boards to segregate the French people so that they could play games at recess in French, anything that will promote the learning of a language. If I were living in Quebec, I would try and speak English in my home, and I would try and bring English to them. I think some segregation is needed for part of the day to learn a language. If you take all the French-speaking children and they know English and then put one English person there, they're going to speak English. We are famous for obliging, because we want that child to understand what we're saying. I think that groups that are numerous enough should have some attention, some finances given them to promote the learning of their own language, but I would give priority to French because it's an official language.

MR. CHAIRMAN: Thank you very much, Margaret. Would you take back to your friends and neighbours who helped you in this preparation our thanks for your thoughtfulness.

MRS. PIGEAU: Thank you very much.

MR. CHAIRMAN: Bohdan Barabash.

MR. BARABASH: Members of the Legislature, Mr. Chairman, members of the select special committee, on behalf of the Ukrainian Canadian Congress, Edmonton branch, I'd like to thank the committee for the opportunity to appear today. I'm Bohdan Barabash, president of the Edmonton branch of the UCC. I appeared at the first round of hearings on behalf of the Alberta provincial council of the UCC. Most of the submission before you is the original Alberta provincial council brief presented in June and has been included strictly as reference.

I will not be directly addressing that part unless the committee wishes it. However, I would like to turn the committee's attention primarily to the first four full pages. There are two main points here that I wish to address in clarifying our original submission, the first one dealing with the supremacy of human civil rights, including equality. I'm not going to read the entire position, but I would like to underscore a few points, and if you'd like to follow me in it, I'm starting about halfway down the page.

It is antithetical to the spirit and the principles of human and civil rights to maintain any provisions, time limited or otherwise, for parliamentary or legislative suspension, avoidance, abrogation, limitation, or compromise of any or all rights enumerated in the Charter of Rights and Freedoms or the rights retained by the people. It should also be understood that all rights and freedoms must apply equally to all, whether as individuals or as groups, with the collective rights of any group being fully subservient to the rights of the individual. The acceptance of immigrants to Canada and the granting of citizenship to allophone peoples and minorities forever removes any basis to claim exclusive, distinct, protected, or reserved rights for Anglo/Franco societies. To insist otherwise is to institutionalize and constitutionalize discrimination and bigotry; in essence, to effect a 20th and 21st century version of economic, linguistic, and cultural slavery, exclusion, and extinction.

Protection of distinct or exclusive societies is nothing more than the extension of English or French colonialism whereby it is necessary to treat every minority as an enemy of the state or an enemy of the society for whom rights are limited or nonexistent or superseded. The mechanics of this panic and unjustifiable protectionism includes the execution of a cultural, linguistic, and economic war on those least able to defend themselves. The only options of survival are to either perish through complete assimilation, to suffer and live clandestinely, or to leave that society.

2:18

Finally, societal protectionism promotes the false assumption that allophone minorities are attempting to establish a small part of their former country or to otherwise corrupt or destroy the Canadian identity. Nothing could be further from the truth. What must be recognized and accepted is that each individual's identity is partly comprised of the culture, the history, and the language of his ancestors. It is part of a living and everyday identity that spans generations, and it is an identity that cannot be separated, suppressed, or destroyed. We are all the offsprings of our forefathers, and we carry that historical identification to our graves. It is an identity that should and does mesh harmoniously and cohesively with being Canadian, and that is a gift we want to give our children.

Thus the supremacy of the Canadian Charter of Rights and Freedoms must be established once and for all, embodying the principle of equality as stated in the original brief presented in June of this year. The Charter must be colour-blind, gender neutral, and ethnically, culturally, and linguistically impartial and indistinguishable. Any results short of these ideals is a travesty and an ineradicable shame.

The following two pages deal with one of the proposals that the federal government recently tabled for discussion: recognizing Quebec's distinctiveness in the Canadian Charter of Rights and Freedoms. The proposal was to include a new interpretive clause within the Charter recognizing Quebec's distinctiveness, and I've got it outlined here. As well, I'm sure every member of the committee has already seen it. It's known as section 25.1. However, currently in existence within the Charter is another interpretive clause, section 27, which states:

> This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

The presence of both of these interpretive clauses is going to present an immediate dilemma and a conflict. Is the Charter to be interpreted according to Quebec's distinct society, the preservation of French-speaking Canadians present throughout Canada, English-speaking Canadians primarily located outside Quebec but also present in Quebec, or is it to be interpreted according to "the preservation and enhancement of the multicultural heritage of Canadians"? Which clause is to have precedence and under what conditions?

It seems readily apparent that within Quebec section 27 would never see the light of day. However, even if by some bizarre circumstance section 27 were given precedence, one can see the freight train of section 33(1), the notwithstanding clause, come roaring down the track to override multicultural heritage. Similarly, the preservation of the English-speaking Canadians provision ensures that section 27 won't see the light of day in the rest of Canada, and if it did, the aforementioned freight train coming out of Quebec will perform its function admirably.

In addition, turning one's attention to section 1 of the Charter, entitled Guarantee of Rights and Freedoms, it states:

> The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

One is again faced with the same conflict: interpret this with the distinct society clause or the multicultural clause. The identical scenario mentioned previously exists. In short, multicultural heritage and the rights of ethnic and visible minorities are about to disappear forever. This, of course, is unacceptable.

I'll end my submission at this point, and I'll be prepared to accept any questions or discussion.

MR. CHAIRMAN: Well, just a point that you may wish to note and research a little more is that the notwithstanding clause cannot be applied to section 27, and I think you should note that. The notwithstanding clause does not apply to every aspect of the Charter. Specifically, it cannot impact upon section 27. If I could just quote it to you, it can only operate in respect to "a provision included in section 2 or sections 7 to 15 of this Charter." So that's an important differentiation.

MR. BARABASH: Perhaps, Mr. Horsman, if I could just comment on that. Section 2 deals with the fundamental freedoms of all citizens in Canada. Sections 7 to 15 deal with equality provisions, probably the most important provisions of the Charter of Rights.

MR. CHAIRMAN: You were making the case, though, that section 33 could apply to section 27.

MR. BARABASH: No, I'm sorry. That's not what I meant. What I mean here is that any interpretation of the Charter in which the new section 25.1(1) or section 27 applies to all parts of the Charter immediately involves a conflict. Which of these two clauses is going to have the precedence or take it into consideration?

MR. CHAIRMAN: That point I understand, but you go on to say section 33, the notwithstanding clause, would come roaring down the track to override multicultural heritage, which is contained in section 27, and it cannot happen under the current Charter. I'm just making that point to you. I don't want to get into a legalistic quibble here, but that's the fact as the Charter now stands.

MR. BARABASH: But if a ruling is made under either section 2 or sections 7 through 15 and interpreted on the basis of section 27, the notwithstanding clause can be applied. Again, sections 2 and 7 through 15 are the most critical aspects of the Charter.

MR. CHAIRMAN: That's not the point that you made in your presentation, however, in the second paragraph from the bottom on that particular page, but I won't pursue it unnecessarily.

So what are you going to suggest to us then? That Canadians and Alberta as our government specifically reject this federal proposal as has now been brought forward with respect to defining Quebec's distinct society? Is that the point you're making or the bottom line?

MR. BARABASH: The bottom line is that the way section 25.1(1) is presently worded is unacceptable. I'm not opposing identifying or creating a distinct society clause. I'm certainly pointing out, however, that this part of that proposal – and I believe there are two parts in it, to establish a distinct society clause within the Constitution and this provision within the Charter of Rights. I'm only addressing this part of that provision within the Charter of Rights, saying that the way it is being presented or proposed is in tremendous conflict with section 27 and certainly one which we cannot support in any way as it stands right now.

MR. CHAIRMAN: Okay.

Other questions or comments?

All right. Thank you very much. You had, as you mentioned earlier, presented earlier, and this is an effort to clarify the situation.

MR. BARABASH: Good.

MR. CHAIRMAN: I'm sorry. John.

MR. McINNIS: I'm a little confused with regard to how this thing operates in practice given the dialogue that you've just had. As I understand it, a concern is that if section 27 is used to interpret the Charter by the courts using the multicultural concept, a Legislature could use the notwithstanding clause to override that court interpretation. That's your point, isn't it?

MR. BARABASH: Of Charter sections 2 and 7 through 15, section 2 being the fundamental rights and freedoms of Canadians and sections 7 through 15 being the equality rights.

MR. McINNIS: So, in effect, 27 could be overridden not directly but indirectly by using the notwithstanding clause to override the substantive provision. This is an interpretation clause, and I guess that's the difficulty for us: trying to determine how an interpretation clause will be received by the courts and what effect the Legislatures might subsequently have on those interpretations that are made.

MR. BARABASH: As mentioned originally in the brief, we're dissatisfied with section 27 being only an interpretive clause already. The evidence that exists of court rulings with respect to section 27 are extremely disappointing. In the original brief we were asking that section 27 be increased to a substantive right and not just an interpretive clause. However, what I'm pointing out is that as things stand today, section 27 being an interpretive clause and now this section 25.1(1) also being introduced as an interpretive clause, there's a direct conflict. How's the court going to decide which of these two clauses is going to have precedent? They are obviously diametrically opposed.

MR. McINNIS: If you had your choice, would you rather see the two sections combined to explain which is paramount, or would you rather have them rephrased entirely as substantive clauses rather than interpretation clauses?

MR. BARABASH: I'm going to answer that kind of indirectly by making two points. The evidence already shows that the Supreme Court of Canada has made rulings using section 27 to strengthen both French and English rights under multiculturalism. So the Supreme Court of Canada does not differentiate French, English, and multiculture. It considers French, English as part of the multicultural provision. So in that regard the court has already been interpreting on the basis for French and English as well.

The second point is one that I'd just like to reiterate, the conclusion of a section on the supremacy of human and civil rights – and that is simply stating that the Charter must be colour-blind, in other words nonracial; it must be gender neutral;

and it has to be ethnically, culturally, and linguistically impartial and indistinguishable.

2:28

MR. McINNIS: If I could just extend that a little bit further. If your experience is one of, I think, disappointment in terms of how much weight the courts have given to section 27, saying the Constitution has to be interpreted "consistent with the preservation and enhancement of the multicultural heritage," it's possible that the proponents of the distinct society clause might ultimately be disappointed with how much effect that has as well.

MR. BARABASH: I agree that's a very valid point. However, again the main point here is that we have a direct conflict between essentially what appears to be two diametrically opposed ideas. Which one has precedence?

MR. McINNIS: I understand the point. Thank you.

MR. BARABASH: Thank you.

MR. CHAIRMAN: Thank you very much.

Ken Chapman, are you ready to proceed even though it's somewhat earlier than anticipated?

MR. CHAPMAN: Yes, sir.

MR. CHAIRMAN: Thank you.

David Hancock is not appearing, and we heard earlier today from presenter Ronald Meilleur.

Ken.

MR. CHAPMAN: Thanks very much, Jim. Ladies and gentlemen, my name is Ken Chapman. I'm a lawyer in town, but I'm not a constitutional expert. I'm here as an Albertan. I've entitled my presentation Why Did the Canadian Cross the Road?

The question is of relevance in our land today. We Canadians have taken a puckish glee in telling jokes and stories about ourselves. A number of years ago Peter Gzowski ran the great Canadian simile contest on his CBC *Morningside* show. Listeners from across the country were asked to finish the sentence "as Canadian as . . ." The winning entry was "as Canadian as can be expected under the circumstances." Another author has said Canada was once described as a soupe vichyssoise: cold, partly French, and hard to stir. Bits of Canadian humour like this reflect our tradition as a nation of unassuming, slightly self-deprecating people.

That is now all changing and very significantly. We Canadians are seen by citizens of other countries as friendly, charming, and somewhat quaint. That's good. We have been viewed from abroad, particularly by European and far eastern nations, as something like an American but not quite. That's not so good. Others, many of us included, have not been quite able to put our finger on the difference between a Canadian and an American but knowing all the time that there are fundamental differences. One U.S. comedian recently described a Canadian as "like us, different, sort of American light."

By the way, the usual answer to the question "Why did the Canadian cross the road?" was to get to the middle. The answer today is different. I would suggest an answer which would be just as telling but not so funny. The answer today is serious for the country, its sense of self, and its future. I would suggest the Canadian crossed the road today because he wanted to go in another direction; he wanted to start anew.

Just over a year ago we were told that Meech Lake was a take it or leave it proposition. It was orchestrated as the beginning for the future of Canada. The country was at the bottom of the ninth and the entire game depended on the next pitch or the next roll of the dice, whichever metaphor you like. We will never know if that was true, because Meech Lake failed because of process, not because of its intent and purpose. Canadians now have dramatically influenced the country's constitutional process and are deeply involved in the shaping of Canada's future. We have not yet determined if we have a future together or not, but we as a country are prepared to confront the issues directly.

I think Alberta has a special and unique role to play in the final determination of the nature and identity of the country. The release of the proposal document Shaping Canada's Future Together on September 24 I hope will become a significant date in our history. I believe it marks a turning point in how we Canadians define ourselves as a country and as a people.

I'll comment briefly on some of the document's key provisions from an Albertan's perspective. I consider the proposal document to be an excellent commentary on an appropriate and workable vision for Canada. Before I do that, I want to implore this committee, as well as all other politicians in Alberta, to embrace an open and generous spirit on all the elements in the proposal document. What we have here is a chance to create a grander vision of our country instead of directing our focus merely to being right about a point of debate on any given issue.

I recently read about a Japanese negotiating technique which I think would serve us all well in the challenges and opportunities before us. What usually happens in a western-style negotiation is an adversarial contest of facts, logic, and emotion designed to persuade the other side about a point of view. Too often we find the winner in the negotiation is not necessarily the one in the right. This is because to win such a contest, you do not have to be right; you merely have to prove the other side is wrong. It works so far as it goes. That style does not go far enough to resolve the kind of issues we now have before us. It results in an answer to the issue but not necessarily the best answer. The Japanese technique, on the other hand, is to accept the proposal as it is, praise it for what opportunity it affords, particularly for the proponent. What the Japanese do then is not say yes or no to the idea or try and discredit it. Instead, they say something to the effect: "That idea of yours is perfect. It does everything you want it to. Now let's explore it."

We Albertans must adopt this sense of exploration of the ideas and the concepts and the proposal as opposed to choosing sides in a debate or arguing over the issues. I suggest Canadians want and need a grander vision of their country. Here, too, Alberta can set a tone and a standard in the dialogue. We have a very extensive list of proposals in the shaping Canada's future document. It is a balanced and a comprehensive compilation of important suggestions for improving and even saving ourselves as a nation. The superficial analyst will say there is something here for everybody and end the discussion there. The ethnocentric analyst will see their issue and look for trade-offs he can make with other ethnocentrics and therefore get his way at least.

The better, more creative, and, I suggest, the only way to view this document is as a whole. Looked on this way one can see a grander vision for Canada and Canadians. It is not so important anymore in Canada to be right about a piece of the picture; we have to feel good about it all. That was the message from the people after Meech Lake. That was what the citizens' forum heard. That is my message to you today. It does not mean we must get it perfect; I for one will settle for excellent. We must remember that the enemy of the excellent is not the poor effort but the acceptance of the good enough. We need better than an adequate solution here.

I'd like to comment on some of the proposal elements that I think are important for Alberta to understand, support, and if necessary champion. First and foremost in my mind is aboriginal self-government. Alberta is already a leader in this area. We need to deepen our understanding of the sense of the aboriginal people's concept of self-government and facilitate the relationship between the First Nations and the rest of the nation. Alberta must continue this leadership role and should continue to advance the cause of aboriginal people's right to self-government. Other provinces and the federal government must open up to the legitimate aspirations of native peoples in this area. Mainstream Canadians like myself are often too ignorant and too indifferent to the purpose of such rightful aboriginal claims. Alberta must take a supportive and facilitative role in our own borders. We must encourage other jurisdictions to accept that self-government is a historical reality of this country, and it must be honoured and respected.

Number two is distinct society. Anglophones are coming to realize that Quebec's distinct society, as defined in the proposal as language, culture, and civil law, is a fait accompli. It already is. We need not fear it, but rather we should now accept, recognize, and embrace it. Part of our problem with Alberta with this need for Quebec for recognition as a distinct society is our federal government's past approaches to legitimate Quebec aspirations. We have made too many promises to Quebec again and again. We have all too often not kept those promises. As compensation for these shortcomings, Ottawa has thrown money to Quebec. As Albertans we have seen this as lots of money, to the point of giving a preference to Quebec over other regions. As a result, we have reason for suspicion as to what distinct society will mean. Now that it is defined in the proposal, I for one am more than willing to accept the concept as a unique responsibility Quebec has as a distinct society within Canada.

2:38

Thirdly is the Canada clause. As I was growing up as a Canadian, I often wondered what it meant to be Canadian. I did not have a clear and solid sense of the concept. It was like gravity. It was there for all time, and so long as it worked, I could take it for granted. Our constitutional angst has shown us that we can no longer take the concept of Canada for granted. The entrenchment of the Canada clause has received little comment to date. It is early in the process, but I hope people read it carefully and think seriously about the words and ideas that make up the Canada clause. It articulates a quality set of values and principles that I can embrace and call my country. If there is to be a trade-off, I would suggest we keep the Canada clause and give up on any entrenched private property rights and the concept of an entrenched social charter.

Fourthly, Senate reform and economic union. I like the proposals for Senate reform. I think, however, that it is still necessary to have an equal Senate. I feel this is true particularly with the proposal for a strong central economic power that is proposed as part of the economic union idea. I accept there is a need for a strong central government economic force. This is particularly true given the new knowledge-based global economy that is emerging in the entire developed world.

However, here again we have to overcome our history. Albertans will never forget the national energy program. As a result of this and other grievances, we mistrust centralization. Alberta is a very outward-looking economy. We are accomplished, world-class exporters. We can appreciate and understand the need for a strong, competitive economy. The idea of an economic union within Canada is not what causes Albertans concern. We have been promoting the idea of eliminating interprovincial trade barriers for years. What we fear is the kind of mentality that spawned the NEP. We are not opposed to a strong federal government from the centre; what Albertans fear and oppose strongly is a central government that is for the centre. I now think that the economic union idea is going to be harder for Albertans to accept than the concept of a distinct society for Quebec in Canada.

Albertans are going to have to work very hard to develop a comfort level needed to give Ottawa the benefit of the doubt on the section 91 amendments that are proposed. I believe the proposals are generally right and need to be done. However, I think we will need to understand them in much more detail before we can be comfortable with them. The dialogue on the economy has to get beyond centralization versus decentralization. We have to get to the point of designing an effective economic union in Canada that offers us opportunities to continually modernize and revise our economy and to remain relevant in the new world realities. Alberta and Quebec as strong provincial rights jurisdictions will be watched carefully by other provinces on how we react on this point. We must not forget that Alberta has also flirted with the idea of separation because of economic grievances. We have rejected this as an alternative. Alberta must now be cautious, careful, and constructive in the discussions on economic union. In the end, I believe we must have one.

Finally, the economy. In the minds of most Canadians the current economic situation in this country is far more significant than the Canada round of constitutional reform. I think the economy and the kind of Canada we are to have are very much linked, especially at this time. What we must do is not choose only one of these problems to focus our attention on. Both must be resolved together. There is no point in having an economic union without a country, and there is no future for a country without a strong and dynamic economy. We have frittered away our flexibility and our ability to respond to the dramatic economic changes necessary for us to remain competitive in the developed world. By our wanton escalation of public debt we have mortgaged our children's future for our own short-term gratification. We have reduced the productivity and the competitiveness in both our industries and our work forces to the point that our ability to maintain our standard of living in Canada is in serious doubt. In today's reality government deficit spending can only be seen as deferred taxes or reduced programs. I suggest we can no longer raise taxes; therefore, we must rationalize, reduce, and streamline government services and delivery. The federal recommendation of reducing duplication of service areas between Ottawa and the provinces is a good first step in a new and necessary attitude about how government participates in the economy.

In summary, let me say I believe we can accomplish the Canada that is inherent in the proposals of the document Shaping Canada's Future Together. When we've done that, we will have matured as a nation. The concomitant step we must take is to grow up as an economy. We must face up to the current realities and move immediately to get out of our public debt. I look to our provincial politicians and the people of

Alberta for a reasoned, rational, and generous approach as we go through the process of defining a new Canada.

Thanks for hearing me out.

MR. CHAIRMAN: Thanks very much, Ken.

Questions or comments? Yes, John.

MR. McINNIS: Mr. Chapman, I recognize yours as the voice I like to argue back against on the radio every Friday morning. It's good to see you in person. Perhaps we'll be able to argue in person some day; we might enjoy that. I don't think this is the day, though. I'm tempted to say that yours is a very excellent submission. It does for you everything you would want it to do; now let's explore it.

In particular, I wonder why you would go so far as you do to embrace the details in the Mulroney proposals at this early date. Some of the things that you've discussed: aboriginal land claims, aboriginal self-government is on another 10-year program until it reaches a point where it's justiciable, to use the term that the Mulroney paper uses. The distinct society clause. I lost a bet with one of our panel members the other day. I, too, thought that the definition limited distinct society, but it doesn't. It merely says it includes certain things, which means perhaps it may include other things. The Canada clause. As much as I find favour with the words that are in it, the paper says very clearly that these are symbolic measures, that they have no legal meaning in terms of being a part of our basic law of our country. If they're values at all, they're symbolic values; they're not legally binding. The economy measures. It's been pointed out that most of them require the approval of seven provinces and 50 percent of the population.

I'm just wondering why you go as far as I thought I heard you go in embracing it as a package. It seems to me that the problem we had with Meech Lake is that it was a package indivisible. It seems to me that what we should be doing in the next several months is tearing this apart, throwing it all over the floor, throwing parts of it away, picking parts up, thrashing it out quite thoroughly. Perhaps I misunderstood.

MR. CHAPMAN: You know, you're a lot like Sheila Greckol; you misunderstood in part.

The economic elements, the economic union. My point is that I don't embrace it in whole; I believe that it's something we have to do. I do not believe it has to be done in a way that takes away from provincial powers. I mean, the Supreme Court of Canada said a 5 percent cap on have provinces is a legitimate exercise of power. A lot of those things may well be there now that we haven't exercised simply because they've been writing cheques and printing money. We can't do that anymore. We have to face those hard realities as a nation. I do not like centralized power. I'm a decentralist for sure, but I also recognize that with free trade agreements, with what's happening in Europe, what's happening in the Pacific Rim, being a member of G-7, we have to make sure that we can maintain a competitive, dynamic, and productive work force. That has to be done with a strategy, I think, that is an economic strategy, that is not driven from the centre but from the centre. We have to have good input into that, and I believe there are some suggestions here that we will do that. I'm nervous about it, but I'm prepared to get into the debate, tear it all up, put it on the floor, and see what we come up with.

As for embracing the other elements at such an early stage, this is a proposal document. Classically, in Canada what we've done is said, "Here's the government's position," and we take the easy way out and criticize it. In our adversarial political history and tradition, that's your job, to be in opposition. It's very difficult to support things if you perceive that your job is opposition. If your job is more like Jean Chrétien says – "Let's improve this" – then I'm very happy with that, and I think we can improve on this a lot. I think we can understand it a lot better, but it's a wonderful first step.

MR. McINNIS: Well, I've always felt that my job in opposition is to propose alternatives, and I think that's what this is about.

Maybe just a quick question on process. I understand that the federal government is creating an all-party committee which will be holding hearings up until about February, that they will have a report. This committee will be preparing a report from all the discussions we've had with Albertans. Where do you think we go from there? We have all these reports back in February. What would you see as being an appropriate process after February to resolve all of this?

2:47

MR. CHAPMAN: It all depends on how credible you people are as politicians at the end of the day. If you stay with the kind of credibility level you have now, you will see requests for referendum, for more public assemblies and nonrepresentative nature of democracy. You will see the people wanting power directly. If you are credible and if you haven't fallen to partisan positioning on this and you've looked at it honestly and are perceived as doing this sincerely, then representative democracy will thrive and we will go and let you make the decisions. If you don't do it on a credible basis, the population will want to do it instead of you.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Thank you.

Sheldon Chumir.

MR. CHUMIR. Thank you. Mr. Chapman, I understand your comments to indicate some form of difficulty with what you indicate is a degree of central federal economic power under section 91. If I might just state my perception of what this document does, in large part it transfers a whole range of powers – manpower, culture, and so on – to the provinces, and then it sets up what I call the myth of federal economic power, the mythology that there is some balancing feature. As I look at section 91(a), that you say you have some difficulty with, I see this giving to the Parliament of Canada the right to make laws that it declares to be for the efficient functioning of the economic union, but those are only effective if seven of the provinces agree, and then the other three can opt out for three years. To say that that gives the federal government an economic power would be tantamount to saying that the federal government has the power to amend the Constitution because if it proposes an amendment and if seven provinces agree, we've amended the Constitution. I don't see it as a federal economic power, and I can't understand what all the commotion's about.

MR. CHAPMAN: Well, we've had this document for about 72 hours. I think some of the best minds in the country have shown a great deal of restraint: not jumped into the debate, haven't been baited into the debate either. We have a lot of those learning things to do. I'm saying the old form of central versus decentral dichotomy that we set up in the country is no longer relevant. I don't see that in this document. When I read it, I'm more in line with what you see. But I still am a captive of the history of this province and how we feel about that, and I use the NEP as only one example. We have to educate people to overcome that kind of knee-jerk reaction that this is a centralist thrust. It can be, but not necessarily. We have to have a Canadian economy which is, I think, the synergy of the 10 provinces and the territories. That's what I would like to see the Canadian economy as, not the Ottawa economy and a bunch of secondary, also-ran economies.

MR. CHUMIR: And this sets up, in fact, a collaborative process rather than a federal government process.

MR. CHAPMAN: Exactly. The other thing really good about it is that it sets up a monitoring process so we can't fudge our numbers between jurisdictions. We all have to work from the same accounting principles and the same definitions so that if we want to compare apples in Ontario to wine in B.C., we can do that.

MR. CHUMIR: Could I ask one other thing? That is that I understood you to suggest that the problem with Meech was a problem of process and not with respect to intent and purpose. We heard someone this morning tell us that they felt insulted when there was a suggestion that they were only concerned with the process and that everything was all well with the substance, in particular the issue of substance of equal rights for all Canadians vis-à-vis the Charter. Did I understand you correctly to say that you think . . .

MR. CHAPMAN: No. When I say processes, we never got to the substance. When Canadians started to understand the implications of Meech Lake, they were appalled by the process, that they were left out of it. The distinct society clause became the focus of attention, but a lot of issues about aboriginal rights and what wasn't in Meech Lake were more important than what was in it for Canadians. This, I think, addresses just about all, if not all, those considerations that were outside Meech Lake that should have been handled as part of the process. You have to remember that Meech Lake failed officially because Elijah Harper simply quietly said no and also the province of Newfoundland said no, but in a more collective manner. We had a lot of promises. We analyzed Meech Lake as we got to understand it. I think Canadians had a lot of problems with it. I think this answers a lot of those problems. I don't think it gives the right answer; I think it addresses those issues. It's a much more comprehensive document. When I say process stopped it, we really never got to look at: is distinct society in that sense what we want or don't want? We rejected the process; we didn't care what the conclusion was.

MR. CHUMIR: We didn't have the other goodies on the table.

MR. CHAPMAN: Exactly.

MR. CHAIRMAN: Thank you for your presentation. I note that you seem to contain in your message a hope that we can avoid an adversarial approach, but it strikes me that while desirable, that is not likely, because you are not going to eliminate conflicting ideologies. It might be very nice if there was not a difference between, let us use the term, left and right in terms of how the economy should be run or how governments should conduct their social and other legislative initiatives. That's going to be there.

MR. CHAPMAN: Can I respond in this way, Mr. Horsman. I'd like to respond the way . . .

MR. CHAIRMAN: And you've already seen it.

MR. CHAPMAN: Yes.

MR. CHAIRMAN: Just in the questioning from my colleagues, there's a difference of ideology shaping up here.

MR. CHAPMAN: Well, my favourite comedian, George Carlin – who's a relatively filthy man, but one of his clean jokes was: some people see the glass as half empty and others see the glass as half full; me, I see the glass as twice as big as it has to be. I think there are other solutions that don't have to be bound in rhetoric and ideology. I think we have to focus on the horizon and the definition of the country. I think it's unhelpful for people on the right to say that the social charter is merely a way of trying to get ideology entrenched in the Constitution as it is unhelpful for people on the left to say that the private property rights or the economic union proposals are simply Tory ideology. I think Joe Clark, in responding to the economic union, said that we're trying to do his through the front door. I think the whole thing has to be done through the front door. We know where people stand; now we want to see if they're of goodwill.

MR. CHAIRMAN: Well, it's a challenge that we're going to have to try and meet in our committee, obviously representing all parties and different political perspectives on major issues. We're going to have to recommend to Albertans from an Alberta perspective a constitutional framework in which governments are able to debate the social policies or the ideological concerns of Canadians and have those issues decided in that format rather than trying to entrench everything in the Constitution, which will settle the issue on one side or the other of competing political ideologies. If you think, by the way – and I'm sure you don't – that it would be so easy to put it to a referendum or whatever and avoid a fierce debate on either side of the issue, that's not going to happen either.

So we're going to work hard to try and come forward with recommendations for a constitutional framework in which governments will be able to relate to each other and in that framework try to resolve issues that will come at us from time to time. That's the role and the challenge we have.

MR. CHAPMAN: Mr. Horsman, I think that if we end up with a referendum, it will be an admission of failure of his process.

MR. CHAIRMAN: Exactly.

MR. CHAPMAN: The process in Alberta, the process across the country, and the process that was started by the proposal from Ottawa. I think that will happen if the process fails, because Canadians want these questions answered. They do not want them deferred any further, and that will be the sense of the failure of our system. I do not endorse a referendum. I would be saddened by it, but I would not be surprised if we fail.

MR. CHAIRMAN: Well, I hope people aren't starting to draft the referendum question just yet.

MR. CHAPMAN: I suggest the question be, "As Canadian as . . ."

MR. CHAIRMAN: Yes; that's what we'd end up with. Thank you very much.

MR. CHAPMAN: Thank you.

MR. CHAIRMAN: When you and my colleague Mr. McInnis meet each other on the airwaves on specific issues, one of these days I'll catch one of those.

Bruce Jackson. Welcome. Would you like to proceed?

2:58

MR. JACKSON: Okay. Thank you Mr. Chairman. My name is Bruce Jackson. I'm a Rhodes scholar in the Canadian political system; I have an MBA from the SHK. I'm an immigrant from rural Alberta. I didn't live in Stettler.

I'd like to thank you for the opportunity of being able to appear before you today. I appreciate the process that you're putting us through, and I appreciate being able to speak. I appreciate having the right to speak, and I also have the responsibility to speak, because as Canadians we have our rights, but in order to have our rights, we also have to accept our responsibilities.

Another reason I am here is I do know that one person can make a difference. You've got Mahatma Gandhi and all these guys around the world, but I'm not in that class yet.

The current situation of constitutional alignment seems to be who can do what to whom how. It reminds me of a group of children on a playground fighting over a box of Smarties. Who gets the yellow ones, who gets the red ones, and who gets the blue ones? And you're all looking for the elephant, because somebody said, "Isn't that where elephants hide when they've got multicoloured toenails?"

Gary, remember back about 1973-74 at Pine Lake we passed a motion at the Innisfail Progressive Conservative association annual meeting? It called for Peter Lougheed to take Alberta out of Confederation. I moved the motion or seconded it, and it was passed. The next day we got our 10 minutes on CHED radio. After that I continued to organize the local Oktoberfest for the Jaycees. What happened is I would phone people, and I'd say, "Gee, you've been on your phone all night; I can't get through to you." I'm sure for six months my phone was tapped. Well, CSIS or the RCMP must have had a real laugh. Perhaps then our overthrow must have been called the Oktoberfest plan or something, part of the revolution. Time and experience have made me and allowed me to laugh at that position now. Having traveled this country from one end to the other, from Inuvik to Prince Edward Island, from the gulf islands of B.C. to Quebec, I love this country.

I want to tell you my Quebec story. I had the privilege and the honour of traveling to Quebec City in 1989 to attend the Canadian Hospital Association meeting when I was serving as a hospital board member. I also was surprised to hear that 60 percent or 70 percent of the delegates at this convention in Quebec City came from Alberta. It was a good convention. Hospital boards paid our way. We all got paid $100, $200 a day, being away from home. You know, our hon. minister was there. She was giving one of the keynote addresses. She got up to speak to give her major address on the Saturday morning, and the funny part about this whole thing is everybody stood up and they all ran out to get the translating headphones so they could listen to her speak in French. That's part about being Canadian: being open enough to have a feeling and an understanding of how the other people live.

Understanding: it's an interesting word. Upon recent reflection that's why I'm here today. We've had the opportunity of having young Chinese students living in our basement, escaped from Tiananmen Square. They came to Canada because they believed that they had a chance. When we think about this country, we're all immigrants. For 40,000 years people have been coming to Canada. Some people called it Canada; we don't know what they called it 40,000 years ago when they came across the Bering Strait. Those people were coming to provide an opportunity for themselves and their children to do better. They wanted to come to a place where they could work hard and achieve success. We wanted to come to a country and they're coming today because it's a place that they see as being where everybody is treated equally.

Sometimes equality and status are considered differently. That brings me to another little story. Brian and Mila were having some repairs done at either Stornoway or 24 Sussex Drive, just a little job. They didn't want to bother the PMO or the chief of staff, you know, so they thought they could just handle it themselves. They ran a small classified ad in the *Ottawa Citizen* or one of those newspapers down there. The first guy that showed up at the door was a young immigrant from eastern Europe. He looked at the job and said, "Mr. Prime Minister, I think I can do it for $900." He said, "Well, how do you figure that?" "Well, $300 for labour, $300 for material, and $300 for me." Well, because we have to have rules and we have to have open access and allow people two or three quotes to make sure this is all fair and equal, he calls the local Canadian company. You know, they've been around two or three generations, a solid Canadian company. The family had been here for, oh, four or five generations. The guy comes in, "Oh, yeah, that looks like about an $1,800 job." Brian says, "Well, how do you figure that?" "Well, $600 for material, $600 for labour, and $600 for me, for overhead." Well, Brian just wanted to be sure, so he called up Sinclair Stevens' brother-in-law, the contractor. He comes in and says, "Twenty-seven hundred dollars." "Well, how do you figure that?" "Nine hundred for you, $900 for me, and we get the immigrant to do the work." I think that's what's happening in this country today. There are too many of us sitting around taking our $900 or our $2,700 and letting the immigrants do the work.

As time passes, as you go on in history, will Jim Horsman's name be remembered as one of the great constitutional efforts in Canadian history? Will Sheldon Chumir be remembered by anybody? After 10, 20, 30 years we can't even remember our own Prime Ministers. Are any of us going to be remembered?

I listened to Brian and his speech the other morning laying out this new framework. I haven't been able to get ahold of the document because my MP, when I write to him and ask for information, says: oh, due to the financial restraints I'm unable to respond to your inquiries as quickly as possible. That's Mr. Thorkelson; that's a common line in his word processor.

I would suggest as a Canadian that in order for us to have a country where we can live and survive, we have to go back and get our fiscal houses in order. You guys get your fiscal house in order, and I'll let you put new shingles and new siding on it to dress it up, which is our Constitution. If we don't concentrate our effort to allow the little guys to compete fairly, equally, be treated truthfully and with compassion when all else fails, then we won't have a country.

3:08

That's the vision I have for this country. It's a place where Canadians, where people can come and they can be treated equally, fairly. They can be treated with justice. Oh, yes, we have a great justice system in this country, but with due respect we also have a great legal system, and the two of them aren't the same. Sorry about that, Mr. Chairman. What we do have, though, is self-responsibility. We have rights. As individuals we have rights, but we have our responsibilities. Groups cannot have rights, because groups cannot put back the extra that it requires of groups. Their extra responsibility cannot be given back. They group together, and it's less than times the number in the group that comes back as responsibilities.

We have to start recognizing success rather than promotion of failure. I have been privileged to have been collecting unemployment insurance for the last couple of months. I just found out today after working for a month for a large company in Edmonton that they're not going to pay me. We have to be able to work knowing that we're going to be compensated for our efforts equally, fairly.

If you people fail to take the responsibility of going back and making sure that the little guy is getting what he needs, what will happen in this country is that I will be able to achieve another one of my visions, to be Prime Minister of "West Canucka," because it will be a different country.

Thank you.

MR. CHAIRMAN: Thank you, Bruce. Let me have our secretary give you a copy of the federal document Shaping Canada's Future Together for your consideration. Copies of it are available at our front desk along with Alberta in a New Canada, which has been our discussion paper. We welcome you to take a look at that.

Questions, comments on the presentation?

MR. SEVERTSON: Mr. Chairman, maybe I should make a comment. I do remember back to that meeting that Bruce said. I got voted down. I did not vote for separation.

MR. JACKSON: There weren't any abstainers in the hall. There were only five of us.

MR. CHAIRMAN: I can't remember what would have prompted that.

MR. SEVERTSON: Oh, that was a local PC association meeting that Bruce is referring to.

MR. CHAIRMAN: Yes, I understand, but what was the issue that prompted such a dramatic motion?

MR. SEVERTSON: Maybe he can remember. I can't remember.

MR. JACKSON: We were discussing at the time the energy and the natural resources and whose rights and whose responsibilities they were.

MR. McINNIS: You were kicking the feds off the porch.

MR. CHAIRMAN: That was a little later than 1974, that's all.

Well, listen; I appreciate you coming forward and giving us your views. I note that you opened your comments with a theme which has been recurring with great frequency; that is, if we have rights, we also have responsibilities. Certainly the responsibility of Canadians is to concern themselves with the future of their country. We appreciate the fact that you've taken your . . . I'm sorry.

MR. McINNIS: This is not really central to your submission, but I heard you say that you had worked for a company for a month and were not being paid. So far as I know, that is the law of our province, and I'm certain that your MLA in Edmonton, whoever that might be, would be quite willing to try to resolve that matter on your behalf.

MR. JACKSON: I'll pass you out my cards. I understand that some of you may be out of a job next month. It's in the life insurance industry, so perhaps I could pass you my cards. Then I would have some income later on.

MR. McINNIS: Okay.

MR. JACKSON: Any other questions while I'm still here?

MR. CHAIRMAN: No, I think that's all. Thank you very much.

I think we'll just take a brief break now. The next presenter is Larry Quinney of the Frog Lake band. He is here, I know, but I think that we'll bring him on at his scheduled time, which is 3:30. So we have about a 15-minute opportunity to stretch, and we'll declare a break now.

[The committee adjourned from 3:13 p.m. to 3:28 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, if you would, please. I'd ask my colleagues to join us again at the table and invite Larry Quinney of the Frog Lake band to come forward. Welcome.

MR. QUINNEY: First of all, I'd like to give thanks to the Great Spirit, who gives us this opportunity to be together to express our thoughts in the process towards betterment.

My name is Larry Quinney from the Frog Lake band, member of the Treaty 6 Nation. When I lift my peace pipe towards the heavenly bodies to speak to our Creator, my thoughts must be pure and my words must be as straight as the pipestem that guides my prayers directly. My strength in my belief in the Great Spirit in all Its creations will have to be as strong as the stone that holds the tobacco offering in its bowl.

Therefore, I come not to criticize but to express my views as to where our paths must cross to find common ground. As diverse as our traditions and cultures may be throughout the country, there's room for a general consensus that can create harmony. The goal of Canada is to establish a Constitution that will address with respect and honour the existence of all people so that all distinct people can participate to address the needs of all Canadians, to share the load as to how we must exist and as to how we must work together with the rest of the world.

Hon. members, I am not a professor of any kind. I don't hold a degree. I'm just a recovered alcoholic from Frog Lake band and now sit on the band council. The historic significance of Treaty 6 is what I'll be referring to.

Going back to 1876, upon three days of exchange and promises the Treaty 6 Nation and the British nation signed and sealed the contents of our treaty. These business transactions were never to be broken by any two-legged human being. Based upon the spirit of the sun, Mother Earth, and the waters, through the stone in the pipestem of the peace pipe raised to the heavens, all promises were sealed with honesty and sincerity by both nations. No one can break the binding treaty agreement unless the Treaty 6 Nation in unity agrees to have the treaty dismantled.

In accordance with Treaty 6 these were the transactions that occurred. These are verbal translations. According to our tradition it is not written but handed down through repetition and explanation by those who were present at the time of the Treaty 6 signing. I have written them for you as my grandfathers have understood so that you may fill in the empty box that presently protects the existing treaties within the Canadian Constitution. These Treaty 6 promises are learned by myself as told by the elders through many years of listening. They are not from sections, Bills, or clauses passed through legislation but pure, honest interpretation when the Treaty 6 contents were being negotiated.

Two secretaries sat on each side of the decorated Queen's representative, who stood on a platform. A translator who was fluent in Cree and English was available. All was explained and made very clear to the Treaty 6 Nation so that there was no misunderstanding. Most of the talking was done by the Queen's representative, who rarely got off the platform during the three days of talks. These talks were between two peoples: the Indian and white man. The white man said that the Queen Mother shall stretch out her hands so that all will be provided for. No one shall regret it if they agree to the contents of the said treaty as presented.

It was made clear that the Queen's representative came with directives to negotiate for three essential items. Three fingers were held up to make this very clear. With one hand outstretched with the thumb up and two fingers from the other hand outstretched under the other hand, the Queen's representative addressed to the Indian people that this was only how much topsoil his people would require. The Queen's people needed approximately eight inches of topsoil to plant food for their animals and families to survive. The Queen's representative also asked for the grass for his animals to graze upon and also to be cut for winter storage for their animals. He also asked for the evergreen trees so that they could build homes for shelter and make lumber for other purposes.

In return the Queen's representative promised three essential items. You will never have to wish you had the same medicine as is available to our people. It will be made available to you at no cost when you require medication. A medicine chest shall be made available for your use in your own community or in close proximity. If you desire to receive an education for you and your people, it shall be made available for you at no cost. Whatever we teach our people, if any of your people want this education, it shall be made available. If you so desire, schools shall be built upon your lands with teachers provided at no cost under your authority. Your people shall never go hungry. A ration house shall be maintained by our people as your servants to distribute the abundance of the Queen Mother. No one shall ever go hungry.

So the Queen's representative, having exchanged three major items, continued padding the treaty with other promises of major importance to the Indian nation so as to assure agreement. The knowledgeable elders and braves all sat around where the Queen's representative stood. Each elder and brave had recognition by the people to discuss and make decisions for their people. Clearly there was not just one leader of the band, but one learned elder or brave was recognized by its members to stand up depending on the issue being addressed. At this particular bargaining table one who held his head high was given the authority by his people from the Frog Lake area to make the final decision. The same would apply to the other bands or tribes of Indians of the Treaty 6 Nation.

Promises of the contents of Treaty 6 were made clear point by point. The Queen's representative made it clear that he did not come to bargain for the waters, the birds, or the wild animals. He was only there to negotiate for the three essential items. He told the Indian people that they may continue to hunt, fish, and trap as they did before, that he did not come to bargain for the birds, animals, or fish. Ammunition shall be provided so that you may continue hunting. Fish nets shall be provided so that you can fish. Material for your shelters shall be provided. Annual payments shall be made to everyone. No one shall be missed. Agricultural implements shall be provided. Number 1 seed shall be available to you for fields and gardens.

The chief shall receive a horse and buggy to visit his people. He shall never walk. The chief and the headmen shall be decorated with a uniform. They shall have brass buttons with the crown to recognize that they are authority of their people. The chiefs and headmen shall be recognized as having authority of half of the Canadian law. No white man or anyone shall step inside their territory without the consent of the chief and headmen. The chiefs and headmen shall have half of the power over the RCMP and the Queen shall have the other half. Anyone who breaks the promise of the treaty shall be tried under the laws of the Indian people. The RCMP shall enforce and protect the contents of the treaty. The RCMP shall not overrule the Indian people. The RCMP shall be under authority of the Indian headmen of the tribes. The RCMP shall not disturb the Indian people. Only upon invitation of the headmen shall the RCMP respond.

3:38

Land taxes shall be collected by the Queen's representatives. The money shall accumulate in Ottawa. If at any time the Indian desires to do what the white man does, all the Indian people have to do is tell the public servants provided by the Queen who are under the authority of the Indian people to contact Ottawa to send money for the purpose of intent. It was promised that moneys would be provided to the Indian people to achieve whatever they so desire. These moneys will come from the accumulation of land taxes collected. Elders of our people still today inquire about the moneys that stay sitting.

If money shall ever be found upon your lands, you will be looked upon with great respect. The place where you live shall be padded. You will never have to work. You will never be disturbed or tried for hunting and trapping for your animals or for fishing; they are still yours. The way you have lived before shall continue to be respected. You shall receive pigs or cattle each year if you so desire. All agricultural implements shall be provided for the task of farming when requested. You will be given everything that you require to establish a home. You will be given clothing, blankets, and food.

After three days of promises had been made, the elders and the braves from various tribes of the Treaty 6 Nation each took turns presenting their view. Most every headman that spoke was in agreement with the treaty contents. One brave named Striped Gopher was asked to speak. This brave said that he would not shake hands with the Queen's representatives just yet. He said that he would like to tell the Queen's representatives how his mind was set. Striped Gopher stood up and spoke: "The Queen has sent you. If she would have sent you with a red cloth to spread on this flat ground where all of our people could sit, maybe I would feel that this is true what you speak of. If the Queen would have sent her breast milk in a small spoon, if I had touched the tip of my tongue to the milk, I would then believe that she really wants me to live or survive."

It was then that the other braves jumped up and told Striped Gopher to sit. They told Striped Gopher that his words were confusing. Striped Gopher then concluded and said to the Queen's representatives: "I do not believe that what you have said here will come true. I have spoken my thoughts, but just for the sake of it I will shake your hand." This was one of the braves at the time who did not agree that what was promised would ever be true. He felt that they were lies.

There is so much that needs to be said to conclude our position as treaty Indian people. We welcome the white man with open arms, yet they hold their hands behind their backs. We have understood clearly by the teachings of our people that we have not given up to anyone to govern us. The Queen's representatives spoke of civil servants that would be made available to Indian people. These servants would be ruled by the Indian people so that the treaties would be carried out as promised. These civil servants would be the communicators between Ottawa and the Indian people. The Indian understood that a money man would be available to them. Upon request for financial support this agent would be utilized. An agricultural servant would also be available at all times to teach and help the process of agriculture if the Indian people so desired. The RCMP would be on standby and available if need arose to protect the Indian people and to enforce and safeguard the treaty contents.

Fraud has occurred over the years: the changes that the governments make on paper to try to lessen the original contents of our treaty. Now the government wants to give us self-government. We did not participate in your elections until you said that we shall be involved in your elections to elect a Member of Parliament or the Legislature so that he or she could represent us in destroying the contents and meaning of our treaties. We have never given up the right to be governed or to be a part of your government of Canada. The government of Canada has never lived up to its trust responsibilities to enforce the business transactions that occurred in 1876. We must become a part of the constitutional talks to strengthen Canada and live up to the reality of working together.

Today the federal government still continues to play ignorant as to what transpired in 1876. The true spirit and intent of the treaties remain hidden in the eyes of their people. The Prime Minister of Canada today can stand and say to his people, "We are giving the Indian people free education, free medicare, free everything." This is not so. We have given in exchange something priceless. For as long as the sun shall shine, the rivers shall flow, the grass shall grow, the people who so desire to live in Canada will never finish paying for what we have promised in return.

Canada gives us 10 years to identify our government structure. It is there and has always been in existence. When our forefathers exchanged these major items that were desired by the British Crown, our forefathers established economic security and a life to continue existing as democratic nations to govern ourselves. The white man has tried every channel to destroy this. Today he continues. The laws and stacks of paper keep them covered in a suit of armour. When will they undress and stand in natural form with the native Canadians?

Is it too much to ask for a native park in every province where we can collect our medicines, gather our food, and retreat to feel the warmth of Mother Earth's embrace? It is difficult to have our treaties recognized: no trespassing; you have been charged for hunting; we can take your lands if we so desire for national interest. We are willing to adopt some of the laws that govern the people of Canada. We must be given that respect. The dominant society must admit the spirit of the treaty contents. We would like to work with the people of Canada. We need to have a place in Canada that is at the same level as the Canadian government. We only wish to have your government recognize our government powers and authorities as always existent.

I do not intend to say bad things about the Canadian people who live among our people. Our forefathers have predicted that the white man is piggy, that everywhere he walks he will poison Mother Earth, that he will even end up poisoning himself, that his tongue is sweet like sugar but split two ways like that of a snake. We wish to sit down with you and help you resolve your problems. Your destruction is visible. The government continues to write down little fraudulent clauses and pass legislation to erode our treaties: the notwithstanding clause, for one time only.

If the white man was honest and really wanted to be a part of Canada, if he had love in his heart, he would have written in honesty and sincerity what was promised in exchange back in 1876 with the Treaty 6 Nation. I speak not only for the Treaty 6 Nation; I speak also for the other nations across Canada. The white man would have printed what was really said and would have distributed the books across Canada for his people to know and be educated as to the treaty contents. The list goes on as to where the government of Canada intends to destroy our rights within our country. No government of Canada has the right to transfer land to another country without the consent of the Indian people of Canada because of the treaty obligations.

Speaking for all Canadians, I conclude that if we intend to remain one country, the Indian people of Canada must be recognized as the governing body of its people. The Indian people will and must work on a bilateral process with the government of Canada. We do not wish to continue to expend money to try to tell you that these treaties are international documents. With honesty among all Canadians we wish to work together so that we can have a place in Canada and be a part of building nations. We do not intend to continue to be suppressed and remain a poverty-stricken people. I'll leave it in your vision. I'll leave it in the vision of the Canadian government and the provincial governments.

MR. CHAIRMAN: Thank you very much, Larry, for your presentation.

If there are questions from members of the panel, I would appreciate them posing them to Larry. I'm sure he'll be able to try and respond. Questions or comments?

Sheldon.

MR. CHUMIR: Thank you, Larry. You mentioned native representation, and I wasn't clear from your comments whether you were endorsing the recent federal proposal for native representation in the Senate or perhaps the proposal of the recent committee of the House of Commons which proposed special seats for natives in the House of Commons or, alternatively, whether you'd simply be satisfied with the vote and getting your representation as do the rest of Canadians based on popularity at the ballot box or some other variation perhaps.

3:48

MR. QUINNEY: I don't really understand your question, but my position with the Canadian government and the native people – the status Indians who have treaties believe they should be recognized on the bilateral process with the Canadian government. I believe they should be on the same level with the Canadian government, and as it is today with the Assembly of First Nations, maybe we could have our own government and vote for our own people to represent us in Parliament.

MR. CHUMIR: Okay.

MR. CHAIRMAN: Thank you.
Yes, John.

MR. McINNIS: I just want one question. Larry, the account you read to us is from eyewitnesses to what happened in 1876?

MR. QUINNEY: Yes. One of them was my mother's grandfather, my great-grandfather, Simon Gadwa, who was 17 years old at the time of the signing of the treaties. Therefore, Simon Gadwa passed on whatever promises occurred back in 1876 to my mother, which my mother then passed on to me. Also, one of the Treaty 6 pipestems is still held in our reserve. One of our respected elders, J.B. Stanley, holds the original Treaty 6 pipestem used at that time. His grandfather signed the treaty.

MR. McINNIS: I want to thank you for bringing that account to us, because I think it gives us an understanding of what actually happened at that time that we can't get from another source.

I would just like to comment that I took particular note of your comment that you don't need 10 years to identify the form of self-government. It's there; it's always existed. I took note of what you said.

MR. CHAIRMAN: Well, thank you very much.

In one of the points you raised on your final page, 12, you referred to a bilateral process between the Indian people and the government of Canada and you concluded by saying, "I leave it in the vision of the Canadian government and the provincial governments." One of the concerns I've had over the years, of course, is that in 1876 provincial governments were not in existence in this part of Canada, including the lands of various treaties that cover Alberta almost exclusively at the present time. The issue of who the Indian peoples would talk to in terms of dealing with the government has been one of frustration to me for some time. I'm pleased that you came to talk to a provincial government committee of the Legislature. I would take it from your last paragraph that you do want to consult with us – the fact that you're here today indicates that – in this whole process so we can jointly work out the difficulties. Are you saying that?

MR. QUINNEY: Yeah, that's definitely one of the points I make with the artwork that's in front of you. It's pretty hard to penetrate what exists today. It's hard to try and penetrate where you guys are today because of your laws. If I have a bunch of pens and I'm a professor or whatever or I have my law and my doctorate or whatever and I'm a lawyer and I try to represent my Indian people, there's no way I'm going to penetrate. It's your government that makes the laws; they do the legislation. Like Bill C-31: you know where it's at, and they just try and force it upon us. It's pretty hard. I guess there has to be a lot of untwisting done. You have to take off your armour so we can sit together.

MR. CHAIRMAN: The current Canadian Constitution does provide that the federal government is solely responsible for Indians and Indian lands in terms of how they are dealt with, and there's no responsibility spelled out for the provinces in that area, except that Alberta is obligated as a result of the Natural Resources Transfer Act of 1931 to provide Crown lands for the settlement of land claims that are dealt with.

I'm pleased by what I've been hearing lately from various representatives of Indian communities: that we must all be together in this process of discussing and not separated in coming to a resolution of the concerns you express.

I thank you very much for coming forward.

MR. QUINNEY: Thank you very much for having me.

MR. CHAIRMAN: Convey to your fellow councillors and members of the Frog Lake band our appreciation for you having come forward on their behalf today as well. Thank you.

MR. QUINNEY: Thank you very much.

MR. CHAIRMAN: David Parker.

MR. PARKER: I'd like to ask your indulgence in allowing Dr. Harry Garfinkle to share my presentation. He can be much more eloquent than me on the subject of environmentalism, since he's been at it much longer than I have. He was the former leader of the Green Party of Alberta.

I've got my presentation written down here, and I'll give you a copy, but I will try to summarize it and make it as short as possible. I want to try and persuade you that front and foremost in the Constitution we must have an environmental bill of rights. Various people have mentioned it, not the least Mr. Bob Rae of Ontario. I think that with the present situation of our environment, particularly in Alberta, this should be front and foremost. In an effort to convince you of this argument, I've put together a few diagrams of the kinds of growth which can exist to show what is happening in the environment or what could potentially happen if we continue with the kind of growth we have today.

If you look at the piece of paper, the first type of growth is called linear growth. It's not very common in the real world. I just put it there to make up this sort of complete picture. It's common as a theoretical concept in a lot of scientific applications: Ohm's law, Planck's law, spring characteristics, and numerous others. In the real world it doesn't exist; there are always factors that come in to nonlinearize processes and systems. It's characterized by the growth rate being constant. In other words, as things grow from one year to the next, if it were in terms of economics, the number of things we would produce would be exactly the same this year as they would be 10 years from now or they were 10 years ago. So that's that picture.

The second one is called saturable growth. What happens with saturable growth is that the growth rate steadily declines. It's very, very common in all natural phenomena. Human beings grow at quite a rapid rate, but in their late adolescence that growth rate levels off. I think virtually everything else in the natural world grows at that rate if it expects to continue in its existence and become sustainable. As I've mentioned in my presentation, I think that if Gro Harlem Brundtland and the United Nations commission had known about this – perhaps it's a bit scientific – they would have used it as their basis for sustainable development. They came up with a concept of sustainable development, but I think what they were really talking about is saturable growth. In other words, it levels off and things stop growing. In a finite world it's really the only one that can be possible.

The third one, called exponential growth, is on the backside of the paper. You'll notice that the growth rate starts out relatively slowly and continues to increase. Now, exponential growth exists in only a few natural phenomena, as far as I know, which are cancer cells and bacteria and those kinds of phenomena. As you well know, both phenomena destroy themselves by using up all their resources. In terms of cancer cells, the resource is a human body on which they are the host, and of course they use it up.

3:58

As I mentioned in my presentation, a few examples of exponential growth, one from Albert Einstein. If you accelerate a body toward the speed of light – which is something they try to do in these accelerators, the KAON thing they're going to build in British Columbia – if you try to achieve that, what will happen is that the mass will increase exponentially until it reaches infinity at the speed of light. It's absolutely impossible to do. That's one example of where it's impossible.

The second example: taking bacteria which reproduces at a relatively slow rate of once every minute, so it doubles itself every minute. Let's say it requires 60 minutes. I've plagiarized this from Dr. Suzuki, by the way, so forgive me for that. In 60 minutes, let's say, it would fill the test tube. Now, for the first 50 minutes you wouldn't notice anything drastically wrong within the test tube; it's still got a very small amount of bacteria. On the 59th minute of that 60-minute period, the test tube is only half full. On the 60th minute it's full. What we like to do in this society is say: "Well, that's okay. We can live like this but we can have a technological fix. We can produce another test tube." What I'm talking about here is the kind of technological fixes we analogists do. But with exponential growth at this rate, in one more minute the second test tube is full as well.

The last example I've put on here to clear it up is that if you put a grain of sand on the square of a chess board and double it as you go along the chess board and then continue on the next rank, I only went to the fifth rank with my calculator and figured out that there are 16 teragrains on the fifth rank: 16 times 10^{12}. That's also exponential growth. It's clearly not possible in the finite world, which is what we have.

As further evidence that we need an environmental bill of rights, I have put down some examples of where our existing laws, either legislation or moral and ethical laws, have been subverted. Firstly, I've written about the Rafferty and Oldman dams. In both these cases the governments of the provinces have violated the laws brought down by the federal government. They both required environmental impact assessments by law. Mr. Devine had some excuse. He professed to have some kind of agreement with Mr. de Cotret, the former Environment minister. Mr. Getty didn't feel it incumbent upon him to even say that. He just continued to build it and now continues to fill it, with whatever consequences may happen. We don't know because we've not done a thorough environmental impact. It is going on, but who the hell's going to stop it once it's built?

The second example I've used is James Bay 2. It's kind of like pulling hens' teeth. The number of factors that came into play to show that James Bay 2 was going to be a potential disaster are innumerable. It was uneconomical. They were selling electricity to aluminum smelters – this was the intention – at vastly reduced rates. Fortunately the New England states of the United States discovered this, and also there was a big push, using the media, to bring this to light. We've got some respite on the whole thing. So that's the second example.

The third one I've used is dear to my heart. The third one is Daishowa. Encompassing this is the whole deforestation of the north of the province, because the idea that we can reforest that kind of land area after the record of reforestation in this province and British Columbia – I don't personally trust the things they're saying. I take sympathy with the native chap who was here shortly before, because I've been closely following the same plight of the Lubicon band. Bernard Ominayak had to go all the way to Japan to try and get someone to listen to him. His own government would not. In fact, the federal government went to the extent of creating a new band to try and divide and conquer, I suppose the concept is. Being British, I did a bit of history on that. I know what it's like to destroy a person's argument by dividing and conquering.

Not only that; the same company is logging in one of our national parks. I recently went to a presentation by Monty Hummel, the Canadian president of the World Wildlife Fund, to promote the Endangered Spaces campaign. What they're trying to do is get 12 percent – again like the United Nations commission, the Brundtland commission – of every country put aside as wilderness. Presently we have 3.4 percent, but what hope do we have of getting even anything like 12 percent when companies are allowed to go into the national parks and clear-cut log there? The regulations are not even as stringent in the provincial parks. They don't have to reforest to the extent they do on Crown lands in the rest of the province. It's actually a despicable situation.

The last thing – I'm trying to cut it short. I've written two pages on this. I've been absolutely infuriated by the situation with Al-Pac and the Mitsubishi Corporation. I don't want to go through the whole history of it again; you're probably well aware of it. What I can't understand is that if you are well aware of it, why are you allowing it to happen? We had a recommendation from the panel set up by the federal and provincial governments which said no more pulp mills should be built, certainly on that river system – the flow is too small – until the river system study is completed. The river system study has finally gone ahead, I understand, in recent weeks after some foot dragging by the federal government on financing, but we're still building the pulp mill. We don't know what impact it will have. We don't know what the baseline studies are. We don't know what conditions the rivers are in, whether they can handle the kind of effluent that will come from that mill. As you know, we spent a lot of money on the Jaakko Pöyry Oy report, which was totally wasted time; it cost $400,000. Mitsubishi came up with another recommendation that they would use chlorine dioxide as opposed to chlorine gas; in their words, virtually eliminating dioxins and furans from the effluent stream.

I have a report here which has been put together by a friend of mine, Mr. Mitch Bronaugh, a professor at the University of Alberta, and it's been endorsed by Dr. David Schindler, who in fact won the Nobel prize for water studies for ecology. So it's not a piece of junk, and it should not be ignored. I've sent about – I don't know – 30 or 40 copies, and my colleague Mitch Bronaugh has sent numerous copies to other people. It's been shelved. I don't know why it's not being addressed. It's a critique of the scientific review panel which was the rationale for allowing the thing to go ahead. It will not produce virtually zero dioxins and furans, organochlorines, as it says. This report clearly shows that the science that was used is badly flawed. So I'd like someone to bring this to the attention of someone else who might address it. I'm sorry; I get rather angry when I think about Mitsubishi Corporation. After what they've done in

Sarawak and Borneo and Brazil, we're allowing them in and giving them vast subsidies to do this.

I think I'll leave it there and let Harry have a chance.

DR. GARFINKLE: I want to introduce a theoretical concept that builds on what Dave has presented. This is a concept that is known in Italian as the comitia, in English comity, in French comité. It was introduced by Machiavelli to urge the Italian city-states to come together instead of being fragmented and picked off one by one. It was then used by the great Italian writer Ignazio Silone to develop back in 1948 the idea of a European comity.

In my presentation I want to elaborate on the various curves of development to deal with the notion of a Canadian comity and to deal with the comity as a combination of cultures and bioregions, which means there is a need for both a cultural charter and an ecological charter which spells out how Indian, Inuit, French, British, et cetera, and all the immigrant groups that have come in since can work together in a Canada under a social charter. It deals with how all the bioregions of Canada can be seen as developing under an ecological Charter.

4:08

For example, the various cultural groups are all made up of a whole host of different ethnic components, and in each of these ethnic components of the larger groups of peoples there are variations which have to be represented in a Charter, in a Constitution which is fair and equitable to all peoples, which treats Canada as a growing not a fixed-origin society. In terms of the past we have to recognize at least four founding peoples: the Indian, the Inuit, the British, and the French, but if we are to look at Canada as an open society, then we have to appreciate the possible contributions of all the other cultures which are represented in the later immigration to this country. We also have to recognize what it means to put 12 percent of the country's different ecological regions into an exemplary type of treatment. In this province, for example, we have something like 17 different bioregions. The original green plan that was produced by the federal government has maps and charts showing the bioregional development of every part of Canada, and we have to look at a representation of what I'm calling ombuds-stewards, who will be responsible for the maintenance and the sustainability and the regenerability of every one of these bioregions and of all of the different cultural groups that have come into Canada to make it their home. This is the essence of fulfilling the type of growth and development which Dave has opened up.

MR. CHAIRMAN: Questions? John.

MR. McINNIS: Thank you both for coming forward. One of the greatest difficulties I have in working in the environmental area is trying to square the values that our system espouses and that certainly all of us as elected people espouse. There's nobody who runs for office and says, "Vote for me, and I'll destroy the earth"; I don't think you'll ever hear that.

David, what I thought I heard you say quite clearly is that the idea of exponential growth is fundamentally incompatible with sustainability, that those two are not the same thing.

MR. PARKER: In a finite box, which is the earth or the province, without going into a thorough, scientific treatise of it, I think it just lends itself to common sense. Anything, even linear growth – if the unit within the system is finite, then it must use it all up eventually. I can't answer it more clearly than that, I don't think.

MR. McINNIS: Well, I guess what I'm driving at is: do you have a proposal we might put forward in terms of how to separate those two things? Let us say that we as a society want to make a decision in terms of the basic values of our country, and this is really what I think our Constitution ought to be all about: what are our basic values, what are the things that we want to protect. We make a decision that we're going to put our future survival forward as a basic value called sustainability. Ought we not then to leave to somebody other than politicians the decisions on whether a particular project meets that criterion or whether a particular piece of legislation meets that criterion or a particular decision or regulation, law, or what have you?

MR. PARKER: Yeah. I think I made it quite clear that in the hands of politicians it's probably the worst possible place it can be. There have only been tentative efforts so far to put it in the hands of experts, and I know this is a difficult area: who are experts; who are people who are arm's length. The best example I can think of is the Al-Pac 1. I mean, those people, contrary to Mr. Getty's appraisal, came up with objective recommendations on the Al-Pac thing. They said, you know, we don't have the information so therefore don't go ahead with it. It's not going to bankrupt the country if some of these megaprojects don't go ahead.

You asked about our fundamental value system, which seems to be, like the rest of the world, growth, productivity. But if we take a look at the kind of society we've created by putting productivity and growth as the fundamental religion, if you like – well, you only need to look at what the results are. If I go to Superstore, for example, and buy a few items, I cannot buy what I want solely. I have to buy tons of packaging; I have to take a whole bunch of stuff which I do not want. As soon as I have got this item home, I will then discard it. I have to have a whole bunch of stuff put in my letter box every day which I don't want, and this is just a manifestation of growth and productivity, taking it to its extreme. You're just given things because they have to be produced because people have to be employed. I think we should be aiming towards a society where we can employ people gainfully without them necessarily doing things which are destructive to future generations, which seems to be what we have going on right now.

MR. McINNIS: Thank you. I have a question for Dr. Garfinkle, if I may. The institution of ombuds-steward is not a term that's familiar to me. Could you elaborate just a little on what such people would do and how they would achieve that status of ombuds-steward?

DR. GARFINKLE: Well, in the 1920s a Russian scientist, Vernadsky, introduced two terms: the biosphere and the noosphere. The biosphere was the whole sphere that supports life, and the noosphere was the area in which human mind has been extended. So we have to look at Canada in the context of responsible, and a Constitution should indicate what the people of Canada would be doing in terms of their responsibility within the total life support that covers the globe and, by extension, look at the kinds of developments which would be the improvement and the regenerability of what has already been destroyed in terms of the greenhouse effect, in terms of breaching the ozone layer, all of which is affected by the way in which we treat the resources and the various components that make up the wealth of a country.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Thank you very much, both of you, for your presentation on the notion of an environmental bill of rights. It is one of the issues that has come before us on a few other occasions during the course of the public hearings. Who will appoint the judges, I guess, is a big issue that we are wrestling with: how does one assume or obtain the authority to make judgments. If you're not going to trust the politicians to do it, since they are, as I quote you, the worst of possible hands into which to put decision-making, then are you prepared to trust the people that the politicians appoint: judges or experts? You have quite correctly pointed out the dilemma that we have in terms of coming to grips with that issue.

MR. PARKER: If I could just interrupt, judges generally have been on the side of the environment in various cases by suggesting that Rafferty-Alameda should have a full EIA and so should the Oldman. Environmentalists seem to have one weapon at their disposal, and that is through the legal process plus the media to some extent. So far it seems to have worked to our advantage, if only governments would obey those laws when they come down.

MR. CHAIRMAN: Well, the judges in the federal court are by and large either defeated or retired politicians, which is an interesting situation.

Anyway, thank you very much for coming forward.

Yes, Li-Fan Chen. Welcome.

4:18

MR. CHEN: Yes. Thank you, Mr. Chairman and hon. panel members. On behalf of the Chinese Canadian National Council, Edmonton Chapter, I thank you for allowing us to make our presentation here today.

The Chinese Canadian National Council was formed in 1980 for the purpose of promoting the rights of all individuals, in particular those of Chinese Canadians, and to encourage their full and equal participation in Canadian society. The council has now expanded to cover all areas of the country with 29 chapters and member organizations. The Edmonton chapter was formed also in 1980 and has been active since in the areas of human rights and education. Past accomplishments include co-ordinating the 1982 celebration of 125 years of the Chinese in Canada. Also we have published a book about Chinese Canadian history, *Our Chosen Land*.

This submission is made in association with the Hong Kong Post Secondary Institutes Alumni Association of Edmonton. This association was formed in 1991 with members consisting of graduates of universities and colleges in Hong Kong who since have immigrated to Canada. The purpose of this association is to help integrate the members into Canadian society. That's basically the background of the two associations making the presentation here today. My name is Li-Fan Chen, as I have mentioned already.

As many of the panel members may know, Chinese immigrants started to settle in Canada in 1858. From 1880, thousands of Chinese workers were brought over here to build Canada's national railway, which now serves not only as a major trans-Canada transportation corridor but also has become a national unity symbol. However, soon after the railway was completed, racial prejudice and discrimination erupted against the Chinese. Beginning in 1885 the Canadian government imposed the head tax against Chinese immigrants. By 1903 each Chinese immigrant would be assessed $500 for entering this country, which was equal to over two year's wages. Moreover, in some provinces citizens' rights were taken away from Chinese Canadians. At the same time the Canadian government charged Chinese the head tax, European immigrants were subsidized by the government to come and settle in Canada. Then in 1923 Canada closed the door on Chinese immigration completely. Between 1923 and 1947 the government prohibited Chinese immigration altogether with the Chinese Immigration Act, which meant that Canadians of Chinese ancestry were not able to bring their spouses or children to Canada simply because they were Chinese.

This period of 62 years of unique legislated racism against a race in Canadian history has retarded the development of the Chinese community in Canada. However, the situation has been improved since 1947, after World War II, with the improvement of human rights around the world and in Canada. In 1967 a fair, equal immigration policy was implemented, and in the 1980s the promotion of multiculturalism by all levels of government has now fostered among Chinese Canadians a strong sense of belonging and security, a country which for many of us is our chosen land.

Under this context the Chinese Canadian National Council and Hong Kong Post Secondary Institutes Alumni Association of Edmonton feel that it is important for us to participate in the discussion of Canadian constitutional reform for the purpose of promoting harmony and co-operation among all Canadians. CCNC across Canada has submitted briefs before to various government committees about constitutional reform. Basically, we have consistently raised two issues.

First, we want a full Charter of Rights and Freedoms to protect all Canadians regardless of their racial origin, and every facet of the Charter should be examined to make sure that the interests of all Canadians should not be overlooked in any way. After having examined the new proposal made by the federal government which was tabled two days ago, we felt some areas need to be strengthened in order for this proposal to be fully supported by all Canadians of the present and future. We highlight the following areas.

First, multiculturalism. We are concerned that the concept of multiculturalism is not included in this proposal. Not a single reference to multiculturalism is mentioned in this proposal. We are disappointed that no further multiculturalism rights are specified or entrenched in this proposal despite many other rights that are granted to other specific groups of Canadians. We would like to see that a clause on multiculturalism similar to the new section 2.1 be included.

The second area we are concerned with is Quebec distinctiveness, as in section 25.1. As section 25.1 now stands:

> This Charter shall be interpreted in a manner consistent with
>
> (a) the preservation and promotion of Quebec as a distinct society within Canada; and
>
> (b) the preservation of the existence of French-speaking Canadians, primarily located in Quebec but also present throughout Canada, and English-speaking Canadians, primarily located outside Quebec but also present in Quebec.

This section clearly excludes those Canadians who cannot speak either of the two official languages. Further, this section is in direct conflict with section 27 of the Charter, which deals with "the preservation and enhancement of the multicultural heritage of Canadians."

Next, in association with the two sections I just mentioned, we also would like to have minority education rights entrenched in this new proposal. As it now stands, we're not quite sure whether, after this proposal becomes law, I will be able to teach my kids in the Chinese language at my home.

There is a new "Canada clause." We are very pleased to know that as mentioned in the Canada clause, equality has been extended to both men and women. However, we would like that equality extended to cover all people without regard to race, colour, creed, physical or mental disability, or cultural background. The current wording of "a commitment to fairness, openness and full participation in Canada's citizenship by all people without regard to race . . ." et cetera, as listed on page 52 of this proposal, is too vague. "Equality" should be the word used.

Second, we also feel strongly that no Canadian should only be tolerated, as mentioned at the top of page 53. We would suggest the wording be changed to: the importance of acceptance of individuals, groups and communities for their distinctiveness.

We like the new clause about economic union because most of our new Chinese Canadians are young professionals and businesspeople. We think economic union will help boost Canadian productivity, reduce costs and waste. Freedoms allow goods and people to move around the country with no or much less barriers now and will only help to make the country and people stronger and united.

4:28

The next area I would like to discuss is fair, equitable representation in government. We fully support that native Canadians be given seats in the Senate for their full participation in governmental affairs. However, we would also like to recommend that representatives of national ethnocultural associations be also allowed some seats for both the House of Commons and the Senate so as to allow effective representation and protection of the interests of minorities.

Regarding section 20, culture, we don't understand what this clause tries to achieve, and we can't understand how each province will be able to determine its culture and definition. We are puzzled about how this will help unify this country of Canada in the future.

Last but not least, as the Chinese Canadian community is still growing, we feel strongly that immigration should be retained as one of the basic federal powers in order to maintain an open, fair, and equal immigration policy. While provincial governments should be consulted for their particular needs and desires to set intake levels, the central government should have the ultimate decision-making power to ensure uniformity and fairness of processing of applications and helping new immigrants settle into Canadian society.

That's the end of my presentation.

MR. CHAIRMAN: Thank you very much for your presentation. Although you didn't read everything into the record relative to the background – if you got everything in, that's fine. But it's important for us to recognize some of the historical facts relative to Chinese immigration and settlement of Canada.

There's just one point that I do wish to raise with you, however. Under section 95 of the current Constitution, agriculture and immigration are concurrent powers of both the federal and provincial Legislatures. It's true that the federal government has the pre-eminent power if there's a conflict between the two, and it's also true that most provinces have not exerted their constitutional right that's inherent in section 95, other than Quebec. Do I take it from what you're suggesting in your last paragraph that you would want that power of immigration strengthened as a basic federal power rather than a concurrent power, as it now is?

MR. CHEN: Yes, because we feel this proposal was revised from the Meech Lake accord, in which the Quebec government is going to be given the immigration power. Now the federal government probably will give more power to other provinces, which we feel might threaten the fairness of immigration in the future.

MR. CHAIRMAN: Okay. I just wanted to be clear on that point.

Yes, Sheldon.

MR. CHUMIR: Thank you for your presentation, Mr. Chen. I'm wondering: in terms of language, are you satisfied and accepting of having the two official languages in Canada only French and English, or are you wanting some official status for Chinese and other languages?

MR. CHEN: Before Chinese Canadians and most newcomers come here, we know that Canada is a country of bilingualism, with French and English as official languages. We have no arguments about that, but we feel strongly that we be able to have some rights to teach our kids in Chinese if we choose to.

MR. CHUMIR: It's one thing to have the right to teach children in Chinese; it's another thing to state that the community will fund Chinese schools. The concern that is raised with respect to the funding of Chinese schools or Sikh schools or Vietnamese schools or Muslim schools is that if you do that, then we're going to end up with a country in which we have all of our children going to school apart, segregated, rather than together. Ethnic communities that I've talked to have indicated that they prefer their children to go to school together and mix and get to know each other. Are you simply wishing protection for your right if you want to establish your own schools? Do you just want that protection, or are you wanting protection to have the community establish schools for each group and pay for them?

MR. CHEN: I think each community can determine its own policy in this regard. However, I think each individual should be given the right and freedom to educate their kids in their own language or whatever language they choose for their kids. The Edmonton public school board has a bilingual program for almost 10 languages now, but Calgary does not have it. About funding, the federal government has completely cut off the funding of the language schools already, but I have never heard of any language school being closed down because of the cut of federal funding.

MR. CHAIRMAN: John, and then Pam.

MR. McINNIS: Mr. Chen, you're not the first witness to point out the apparent conflict between clause 27 of the Charter, dealing with the multicultural nature of Canada, and the proposed section 25.1, which is a distinct society for Quebec. Both apparently say that the Constitution is to be interpreted in a certain way, and I think it's fairly obvious that those two sections are in conflict. What I'm curious to know is what you'd see as being the best way of resolving that conflict. Would you like to see one or the other eliminated or both eliminated, because they're both interpretation clauses? I'm just curious to know what you think would be the best way to resolve that conflict.

MR. CHEN: I don't think we like the proposal of section 25.1 at all, because I think they only mention preservation of Quebec and the preservation of the existence of English- and French-speaking Canadians. Now, where are we going to put all parents who cannot speak English but who are Canadians? What kind of guarantee are they going to get? What happens to those refugees who come to this country through the Canadian immigration policy who cannot speak English or French? What kind of protection are we going to offer them?

MR. McINNIS: So I take it that what you're saying is you're opposed to section 25.1 as proposed in the . . .

MR. CHEN: Yes, I would think so.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Well, I guess that's getting close to what I wanted to ask you about too. First of all, though, Mr. Chen, I'd like to say that I personally really like your recommendation for rewording the section in the Canada clause where you say that no Canadian should only be tolerated. It's been a bandwagon issue of mine for years, and I think your recommendation for rewriting that section is very, very good. Congratulations to the CCNC.

MR. CHEN: Thank you.

MS BARRETT: I want to go back to what John was talking about, because the political reality is this: one of the tasks that we are faced with is to try to come up with a document that has the general support of Canadians, those living inside Quebec and those living outside of Quebec, and it ain't going to be easy. One of the things that the people inside Quebec really want, at least according to their spokespersons, is an acknowledgement right in the Constitution that they have a distinct society. They want it said. We all know that it's a distinct society. I mean, they do speak French predominantly; they do have their own Civil Code. Now, we've got a really difficult task in front of us and I want to ask you – it might not be easy for you to answer – if you were to get, for example, the request that you have for a new and strong reference to multiculturalism the way you've requested it, if we were to get the minority education rights that you're requesting in a fairly strong way, and I guess your change to the Canada clause, would that give you sufficient security so that we could also proceed with the new section, 25.1?

4:38

MR. CHEN: Well, I think it probably is a political reality to recognize Quebec as a distinct society. However, we don't understand what the (b) is about here, "the preservation of the existence of French-speaking Canadians" and also English-speaking Canadians, which I think is very puzzling. I'm not quite sure what the purpose of the federal government is to have this clause being there. If we want to just say Quebec is a distinct society, as a political reality without referring to English-speaking Canadians, maybe this is a way we will be willing to consider it.

MS BARRETT: That's not bad. Thank you. Yeah. Good.

MR. CHAIRMAN: Pam has stated the dilemma quite well for us and for all Canadians, I guess, as to just how far we are prepared to go to accommodate the people of Quebec in the constitutional framework. I guess you have concerns, but all of us are going to have to think about those concerns, as to their importance and significance to the whole country, in light of the necessity in the view of many people to preserve the whole of the country.

MR. CHEN: I agree with you. However, if you look in the Canadian demographic data, I think there are the ones that are English – Anglophone – the ones that are French, and the ones that are ethnics. With this 25.1 in there, I'm not quite sure how these other minority rights will be protected. That's one of my questions here on this proposal: if somebody can tell us how we're going to make sure, starting tomorrow, day one after this proposal is implemented, that no police come to my door or to my Chinese school door saying, "Well, you cannot teach Chinese anymore." We just want something entrenched right in there. Since this document has some specificity that says we're going to preserve English-speaking, preserve French-speaking, why can't we have a similar clause to allow us this kind of freedom?

MR. CHAIRMAN: Well, we've been hearing from hundreds of Albertans, in public hearings and in writing and by telephone, that they hope that there will come a day when people refer to themselves as Canadians and not as Chinese Canadians or as English Canadians and so on – just let me finish for a moment, please – and that people will refer to themselves perhaps as Canadians of Chinese origin or Ukrainian origin, keeping intact through their families and through their cultural association ties the fact that they had a past history before they came to Canada. It seems to me that many of the views being put forward by ethnic organizations run counter to this desire on the part of many, many Canadians: to be Canadian. I'm not trying to single you out or make you feel uncomfortable, but it is a dilemma that we are facing as we try and resolve the situation and make recommendations to the Legislature of the province of Alberta. I just leave that concern with you, because it's one that we have had expressed to us many, many times.

MR. CHEN: Yes. We heard many of these kinds of arguments before. However, I think multiculturalism has been greatly misinterpreted and also maybe mistreated by the politicians of this country as well. We have come to this country as immigrants, and we all want to be Canadian. Before we came to this country, we probably had some rough ideas of what Canadians were about. When we came to the country, of course, we had some cultural gap. We learned everything in Chinese, and we came with 5,000 years of history and heritage on our backs. We came to this country, and we are prepared to be absorbed into the Canadian mainstream society. You ought to give us time to understand how this culture works in this society. I think the best way is to allow multiculturalism to coexist with the two main, official cultures and give us time to be greater integrated, to reach the goal of a Canadian.

I don't think that any of these hon. panel members – if you ever decided to immigrate to Britain or Germany tomorrow, you're probably going to start in with the Canadian club of

Berlin tomorrow anyway. I cannot see what the difference is of allowing multiculturalism in the country as part of the citizenship process to integrate new Canadians into the mainstream of society.

MR. CHAIRMAN: Well, it's a dilemma, but I must say that when you make a recommendation that representatives of national ethnocultural associations be also allocated seats for both the House of Commons and the Senate, you are not making Canadians, you're perpetuating differences. I must admit that I have trouble with that recommendation in your proposal, so I thought I'd let you know that.

MR. CHEN: I think from the university comparative politics classes that there are many, many governments in this world – Germany is one or even the Taiwanese government, and that's what I know – all have allowed special seats reserved for women, ethnic minorities, and professional groups to be part of this political process to make sure all the voices will be heard in the decision-making process.

MR. CHAIRMAN: Okay. Well, thank you.

Is Mr. Albert Knowler in the audience? If not, I'd like to ask Carol Hutchings and Rick Stroppel to come forward on behalf of the Elizabeth Fry Society.

MR. STROPPEL: Mr. Chairman, I'd like to take this opportunity to introduce, first of all, Carol Hutchings, who is the executive director of the Elizabeth Fry Society. My name is Rick Stroppel. I am a member of the Social Issues Committee of the society. I'm also a former board member of the society.

Probably most of the members of your committee are familiar in general terms with the Elizabeth Fry Society. The primary focus of our activities is the assistance of women in conflict with the law, and we are also involved in developing a public awareness of the need for change in the criminal justice system generally.

Mr. Chairman, we have decided in our submissions to focus on two particular issues. We would also like in our verbal submissions to focus on the same two issues. First of all, we would like to talk about section 15 of the Charter of Rights, which enshrines equality rights and in particular the right of women to equality in Canadian society. As we point out in our submission, many injustices have occurred in the history of our country, and our justice system has not always been adequate to address and rectify those injustices. Certainly in the area of equality of the sexes there are numerous examples of this.

One example that we would like to cite which we think is a glaring example of inequality is the prison for women in Kingston, Ontario. This has been a problem for women for many, many years in this country. As members of the committee may be aware, there is only one institution in Canada where federally sentenced women are eligible to go, and that is the prison for women in Kingston, Ontario. I think it's notorious that in the criminal justice system in Canada conditions in this prison have been abysmal for many, many years. This is a problem that's been studied many times by numerous boards and committees and task forces. The conclusion has inevitably been that this institution should be shut down and replaced with a series of regional correctional institutions for women.

4:40

Finally, in the recent past after literally decades of protest and concern we see that action is being taken on this issue, and the federal government has been motivated to finally shut down this institution and replace it. We cannot help but feel that there is some connection between this positive action and the implementation of section 15 of the Charter of Rights, which enshrines the equality of men and women in Canadian society. This is an example of how the Charter works not only through specific issues that are litigated; it shows how the spirit of equality has more or less permeated our justice system. We point to this as an example of the benefit that we've derived from the enshrinement of equality rights in the Charter of Rights. It's certainly something that we support and we feel this committee should be endorsing, whatever other recommendations you make.

The second issue we'd like to address is the division of power in the area of corrections for women. Again we would like to address this issue in the context of a specific example. Up until recently the federal government exercised almost exclusive jurisdiction in the area of corrections, at least with respect to women who receive sentences of two years or more. About five years ago the federal and provincial governments entered into an exchange of services agreement whereby jurisdiction over many areas in corrections is now being shared between the federal and provincial governments. Since that time those of us who are involved in the area of corrections for women have witnessed a very serious lack, in fact almost a total breakdown, in co-operation between the federal and provincial governments in this area.

After the exchange of services agreement was struck, a tripartite committee was formed to co-ordinate activities between the federal government, the provincial government, and non-governmental organizations, like the Elizabeth Fry Society, that are active in the area of corrections. This committee met twice, and over a year ago the committee essentially broke down and stopped meeting. There has essentially been a breakdown in communications in this area. Our feeling is that the reason for the breakdown is a lack of co-operation between the federal and provincial governments.

We feel at this time that there is virtually no communication between the federal and provincial governments in this area. We feel that the ultimate casualties and victims in this breakdown in communications will be the women themselves, who are supposed to be served by both levels of government. We do not intend to take a position with respect to which level of government is better suited or better equipped to exercise jurisdiction in the area of corrections. We feel that due to both constitutional and practical realities, it will probably always be the case that some sharing of jurisdiction is necessary. What we believe has to happen now is this: the jurisdictional turf war that's happening between the provincial and the federal governments has to end, and both branches of government must start putting the women themselves first in their list of priorities.

I pointed out in the beginning of our submission that there are areas of disadvantage for women which have been addressed since the implementation of the Charter. It is also true that there are a number of other areas of injustice that deserve to be addressed in the future, and again I can give several specific examples.

The large numbers of women serving jail time in this province in default of payment of fines is, in our opinion, scandalous. We are told that up to 40 percent of the female jail population in this province consists of women who are in jail because they cannot afford to pay fines. These women are essentially being punished for being poor. The disproportionate numbers of native women and also native men who are convicted and incarcerated in our jurisdiction, in our opinion, is equally a scandal. The lack of long-term programs for the support and rehabilitation of female offenders in this province is a serious problem. Carol pointed out to me before we came up to make this submission, as an example of this, that there are absolutely no halfway houses for women in the province of Alberta being operated by either the provincial or the federal government.

We believe that these problems deserve to be addressed in the very near future. We believe that these problems can only be addressed if all levels of government rededicate themselves to apply the spirit and the letter of equality in Canadian law. We also feel that these problems can only be successfully addressed if the federal and provincial governments put aside their differences and work together to serve the public in a better way.

Those are all the submissions that we have for the committee this afternoon. Both Carol and myself would be happy to answer any questions you might have.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thank you very much for a very good presentation. One of the things that you didn't mention on the record and I will, mainly for the benefit of the people who are here today, is something that is contained in your written submission which we received some time ago, and that is a reference to native women. The quote is as follows:

> We are troubled that 30% of all women appearing in provincial court are native but 60 to 70% of women convicted and sentenced are native.

What the Elizabeth Fry Society is getting at is that the conviction rate for native women is more than twice the rate of being charged. I want to ask you: given some of the things that you just said – and it could be either of you to answer – can you see any constitutional remedy that would bring about a change either to conviction rate or to the way that women are treated by the system? I mean, it's already in the Constitution. It's supposed to be fair already, and it ain't happening. Got any suggestions?

MR. STROPPEL: Well, I think I can make one practical suggestion. I think one thing that has to be examined seriously is the whole policy of incarceration in default of payment of fines. It's quite obvious that this provision is being applied in a disproportionate way and is affecting native people much more so than people of other races, and that in effect could amount to a violation of section 15 in the Charter, but this remains to be litigated in the future.

MS BARRETT: No one's challenged it so far, eh?

MR. STROPPEL: Nobody has challenged it so far.

MS BARRETT: It would be a lot of work.

MR. STROPPEL: Certainly it's something that should be addressed in the future.

MS BARRETT: I see a clear need for policy changes. I mean, there's just no question about that. Speaking as part of the society that had to fight just to get recognized as persons, I also know that we look for a constitutional remedy wherever possible. Is there anything specific in either the constitutional proposals that were presented by the Prime Minister on Tuesday or in anything residual to Meech Lake that you could think of that could be polished up or perked up so that there's a greater constitutional obligation of the system to treat women, and particularly native women, fairly?

MR. STROPPEL: I guess my answer to that would be, as I've said earlier in my submission, that it's important to respect not only the letter but the spirit of the Charter. When we talk about, for instance, the closing of the prison for women, something one has to wonder is why it's taken so long when we have a situation that's obviously contrary to section 15 of the Charter. We have a situation where women are placed in an extremely disadvantaged position solely by reason of the fact that they're women. It's taken eight years to address the problem and begin to solve it. I guess it's sort of a good news/bad news scenario. The good news is we're finally doing something about it. The bad news is that it's taken eight years to do it. I think the time has come to look at various problems like that and for both levels of government not to simply anticipate litigation but rather, where there's an obvious deficiency and an obvious inequality, to make the changes before it has to be forced through the courts.

4:58

MS BARRETT: Message heard. I would like to just make one comment in conclusion, and that is that you're not the first people, as you probably know, who came to the table to say, "Put down your arms and be serious and fair and negotiate with goodwill." It is probably the most consistent message we have received throughout the hearings, and I think any of us who don't pay attention to that do so at our own peril. Thanks.

MR. CHAIRMAN: I just want to pursue something along a similar line. You mentioned the breakdown between the two governments in what was to be a tripartite discussion of the issue, and you said that it's because the two orders of government are squabbling. I guess that was the term. What is the background of that? Is it a jurisdictional issue, uncertainty of jurisdiction, or is it a money issue?

MR. STROPPEL: I think it's a combination of both. I think there's a problem here that people are more or less falling through the cracks. I talked about the lack of a halfway house for women. That's the sort of thing that can't really be facilitated unless there's co-operation between the provincial and federal governments, because the federal government will be responsible if it's housing women serving sentences of two years or more; the provincial government will be responsible if it's housing women serving sentences of two years or less. Any halfway house is going to have to accept women from both sources, and they're all going to be subject to the provisions of the Parole Act, which is administered by the federal government. This is the kind of area where nothing can happen until there's discussion between the federal and provincial governments.

MR. CHAIRMAN: Well, I'm not familiar with that particular negotiation myself, but it has been clear to us in the provincial area in recent years that the federal government is off-loading some of the financial requirements in areas of their responsibility onto the provinces. I could go on at some length to give you my views about how they have done that or are doing that in the area of Indians, which under the Constitution of Canada is a clear, unmistakable responsibility of the federal government. That works into this concern of yours as well, because native women are obviously supposed to be dealt with in large measure as Indians by the federal government.

In any event, I just wondered if you felt that money and who was going to supply the money was part of the concern, and I think you answered me.

Yes, Sheldon.

MR. CHUMIR: Thank you. I appreciated the presentation as well, and perhaps just a comment. First, if some of these problems relate to jurisdictional overlap or areas of jurisdictional conflict, where they don't meld appropriately, I think that's something that we should be looking at at this time when we are looking at rationalizing the way in which our levels of government work, because they have to serve the needs of the community. I was interested in your comments with respect to incarceration for payment of fines. It's a thing that's interested me for some period of time. As I recall some of American constitutional law, it has been held to be unconstitutional there.

Now, I've actually spoken about it and I've actually tried to get it researched and I thought I recalled a case about five or six years ago in the maritimes, and we haven't been able to find any trace of it. Why I raise this in this context is this: you mentioned that section 15 is potentially applicable. I find it a mystery and a real problem where you have a problem that is so significant – you talk about 40 percent of women in prison being there for nonpayment of fines – that is not being litigated in our society. Now, this gets to the issue of you can only enforce your rights if you can get to court and afford them. Now, at the federal level there are some programs. There's LEAF, which is involved in some matters; there's a federal program that deals with challenge of federal legislation. What is the problem? Is there a problem in terms of challenging this or dealing with it appropriately? Are there other section 15 rights that are falling through the cracks because of inability to be able to afford to go to court?

MR. STROPPEL: I have an opinion about that. My opinion is it's because of the people, the nature of the disadvantaged group. You're dealing with a group of people who are characteristically not very aggressive, people who are used to simply going through the system and accepting whatever it gives them. I suppose it's incumbent upon the government at some stage to recognize and rectify this obvious injustice rather than waiting for the people themselves, who are somewhat of a passive group, to do it on their own.

MS HUTCHINGS: The 40 percent figure you were referring to, Sheldon, is native women; it's not women in general.

MR. CHAIRMAN: Okay. Well, thank you very much for your presentation. As in many cases, the issues that you've brought to the table are not directly related to constitutional things that we could necessarily solve by changing the Constitution but relate to policy issues that have to be developed by either federal or provincial governments. We're not going to just dismiss those concerns and say, "Well, that's not our responsibility." We are going to make sure that concerns that are raised of a policy issue, a policy nature, are passed on to the appropriate ministries in our government and at the federal government's level as well. So I appreciate the representations you've made this afternoon.

And thank you for your good work. I know how hard you work and how important it is to have volunteers who are supporting you in your efforts as well. It's sometimes a very thankless task and not at all appreciated by the general public as to what is being done. Thank you.

MR. ROSTAD: Because I have direct interest in this, I wish to apologize that because nature called, I had to be absent when you did it. I'll refer to *Hansard* and get your presentation, because I have a direct and personal interest in your concerns. Thanks.

MR. CHAIRMAN: Thank you.

Robert Wilson. Welcome.

MR. WILSON: Thank you. I hope I'm not holding up your dinner.

MR. CHAIRMAN: Oh, no. Actually, Mr. Wilson, you're the last presenter of the afternoon, but given the norm that we've experienced in the past – and I'm sorry to have kept you waiting about 20 minutes to make your presentation – normally we go a little bit beyond this before we get to dinner, so we leave some room at the end of the day, expecting that things will go over somewhat.

Go ahead, please.

MR. WILSON: Okay. I'd like to make a few general comments. There is unprecedented public cynicism towards many politicians in power. People are also extremely tired of the constitutional debate and the continuous commissions. Brian Mulroney is the most unpopular Prime Minister since national polling started 50 years ago, and it is a tragedy that even after his disastrous handling of the Meech Lake fiasco he is still playing games with the various regions of the country. Further, our own Premier supported Mr. Mulroney without canvassing the views of Albertans, and both are scarcely trusted to renegotiate the Constitution based on the views of the electors.

The country was extremely fortunate to have a Premier and constitutional expert, Clyde Wells, who pointed out to the country the incredible dangers and special powers Quebec would have attained when they had not even defined the meaning of "distinct society." You do not have to be a lawyer to appreciate that. We have had the Spicer commission to hear the people's views. Many people recommended a constituent assembly and national referenda. Incredibly, Messrs. Mulroney and Clark said: sorry, the politicians will decide. It is abundantly clear that Mulroney will follow his own agenda and then say he did consult the people.

5:08

Let us dispel three myths being propagated by Mr. Mulroney. The first is that English Canada excluded Quebec from the Constitution changes in 1982. The fact is that Quebec refused to attend the constitutional talks, just like Mr. Bourassa refuses to attend the first ministers' conferences today. The second is that Canada today is a federation of two founding nations, French and English. It was partially true historically, but it is not true today. Even Mr. Mulroney, in his introduction speech on Tuesday, stated that Canada was first home to aboriginal peoples, then Europeans arrived nearly five centuries ago, followed by peoples from all over the world. It is an insult to the 9 million Canadians whose origin is neither English nor French to imply that they are perhaps second-class citizens. The third is that if Quebec separates, the rest of the country could not survive as a separate country. There are many countries who are members of the United Nations who have populations and economic resources much less than the rest of Canada would have, and they are viable. I believe Mr. Mulroney really means that Quebec would have the problems if they separated.

There are three issues I would like to comment on. The first is the recognition of Quebec as a distinct society. If such recognition is symbolic, that could be accepted, but what would be the point? This week Jim Edwards, MP, was quoted as saying that Quebeckers don't want to be favoured or pampered; they just want to be recognized as unique. It doesn't mean Alberta is not unique. This is somewhat absurd. If we are all unique, what is Quebec after? It is obvious there is a hidden agenda to placate the Quebec voters and appeal to the Quebec sovereignists. The aim of the distinct society is to give Quebec more special status and more special powers. At present Quebec has special status; for example, preferential rights over immigration. The sign policy in Quebec and the restricted access to English schools is not about the preservation of French but the abolition of English. The new distinct society provisions are draped with the same deceptive reasoning as the old one. It was said then and is said now that we're just asked to recognize reality. Quebec is different; why not say so? Why not, indeed, if that were all that the distinct society involved? But the recognition of difference is linked to different powers. Quebec would be the only province specifically given the power to preserve and promote its distinctiveness.

The government of Canada should be preserving and promoting Canadian culture rather than one or the other of the alleged founding nations. Canada was intended to be a cultural mosaic, not a melting pot, and it was intended to be a cultural mosaic where peoples of different cultures are free to express their own identity. This should include Quebec, where non-French minorities should be free to express their different cultures and, at the very least, in Canada's other official language, as is the case in all other provinces of Canada. The overwhelming consensus in Alberta, I believe, is that all Canadians, regardless of ethnic origin, should be treated equally. Why does Mr. Mulroney not want to preserve the language and culture of the other ethnic groups in Canada by similar procedures? If the Polish or Scottish or Asian or aboriginal languages die out, he's apparently not too concerned. We are not naive. Mr. Mulroney is from Quebec, and he needs their support. Quebec has historically been out of step with mainstream Canada, and appeasement never succeeds. Even Mr. Mulroney refers to the Canadian family, but his family is one where one member is favoured with a different set of rules which in effect excludes non French-speaking Canadians.

The second issue is the triple E Senate. During the last round of talks westerners balked at the special recognition of Quebec. One reason for this was that the deal didn't provide an equal accommodation of regional concerns. It didn't establish an elected, effective, and equal Senate. Incredibly, this package doesn't either. Messrs. Clark and Mazankowski, et cetera, know this, but they are supporting Mr. Mulroney in trying to con us into adopting a watered-down Senate. I believe the majority of Albertans are not prepared to recognize Quebec as a distinct society if Quebec is not even prepared to give Albertans an equal representation in the Senate. We must not compromise on this issue. We were dismissed in the Meech Lake proposal and semidismissed now, and we must insist on a full and complete triple E Senate.

The third issue is official bilingualism. I believe this is an incredible waste of money and time and must be abolished. It is particularly hard to accept when Quebec in its vindictiveness ignored the Supreme Court of Canada and the Charter of Rights and attempts to eradicate English in the province.

I urge the government of Alberta to express the views of Albertans and not follow the personal view of Mr. Getty, which he expressed in the Meech Lake fiasco. We will not be blackmailed by Quebec, by their threats to separate. We want equality, and this may be our only chance to get it.

That's my submission.

MR. CHAIRMAN: Thank you, Mr. Wilson.

Are there questions or comments? Yes, Gary.

MR. SEVERTSON: Yes, Mr. Wilson. You mentioned that we have to be really tough on the triple E Senate, and you're against the distinct society clause. Would you use that as a trade-off, give the distinct society clause if we got the triple E Senate?

MR. WILSON: Yeah, I think this is the basic issue. If Quebec wants to be recognized as distinct where distinct gives them special powers, then we could well work a trade-off with the triple E Senate. I think my main concern is that we're told that recognizing them as unique, as a distinct society, doesn't give them any powers, but the wording is to allow them to promote their language. Of course, legally those have special meanings which we have to have defined. If it was a question of just saying "the French are unique because they're French," just like the rest of us, our own nationalities, are unique, that's fine. But it's not that simple. There are powers involved in that.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Other questions or comments?

Well, thank you very much, Mr. Wilson. Clearly, the triple E is one we've heard a great deal about in Alberta because it has been officially supported by our Legislature on two occasions, unanimously. The interesting thing that I read the other day is that when the Spicer commission was meeting, one of the commissioners was quoted as saying he didn't hear a great cry in Alberta for a triple E Senate. With the people you've talked to and associated with, is the feeling as strong as I think it is, and you think it is, that we must have a major reform of the upper House in the triple E model?

5:18

MR. WILSON: I think Quebec is so urgently requiring recognition as a distinct society that this is our chance to have an equal, fair trade-off. We're being given a watered-down solution to the Senate, and we're to recognize Quebec. I think if we don't arrange a trade-off, we can say goodbye for a long, long time.

MR. CHAIRMAN: Okay. Thank you very much for coming forward and giving us your views today.

We will now adjourn until 7 o'clock. We'll be back here. The panel will be slightly different in composition because some members are coming and others are going, but we'll ensure that we have good representation here this evening for the presenters who will be here.

We can now adjourn. Thank you.

[The committee adjourned at 5:19 p.m.]

7:05 p.m. Friday, September 27, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to reconvene the session. This is the final session of the public hearing process in which the Alberta Select Special Committee on Constitutional Reform has been consulting with Albertans. We held hearings in late May and early June. At that time we visited 10 centres in Alberta, and at the end of that time we found there were a number of additional Albertans who wished to make representations to our committee, so we agreed to meet two additional weeks in September. We met during the week of September 9 and now this week of September 23, and we are concluding our hearings today. I'm not precisely certain of the number of additional presenters we've heard during this additional process, but it's significant and will add to our understanding of the views of Albertans on the subject of constitutional reform.

There will be other members joining us, I think, during the course of the evening. I am Jim Horsman. I'm the MLA for Medicine Hat and chairman of this committee. I'd like my colleagues to introduce themselves briefly, and as others come in during the course of the proceedings, you will notice their names and, hopefully, they won't have to be introduced.

On my left, first of all, is the secretary, who has done valiant service on behalf of our committee during this process. Also, before my colleagues join, I thank the members of the staff of the Department of Federal and Intergovernmental Affairs, people associated with the Legislative Assembly, and particularly *Hansard* and their staff for the work they have done in recording the proceedings. They have always been there, always on time, and I think that's wonderful. In the end, of course, there will be a complete record and transcript made of every word that has been said. It's due to their diligence and service that we have that ability to read our remarks and that posterity will always record them because of their activities and service.

Don't lock anybody out, especially our colleagues Pam Barrett and Stock Day.

MS BARRETT: When you're in the riding of Edmonton-Highlands . . . I just ran into some constituents; I apologize for being late.

MR. DAY: We're not traveling together.

MR. CHAIRMAN: Fellow travelers. In any event, since this is the concluding session of the public hearing process, I think I can honestly say it's been an enlightening and challenging and . . .

MS BARRETT: Scary.

MR. CHAIRMAN: . . . scary but thoroughly enjoyable process of meeting with Albertans all across the province in the many centres and hearing the divergent views we've had expressed to us. It will be a challenge to put together a report which will reflect what we hope will be the broad consensus of Albertans' views. In the remainder of the presentations we'll hear this evening I hope we'll continue to maintain that spirit of nonpartisanship which by and large has been at play during the course of our activities since we began in May of this year. But it's not the end obviously, because we'll be meeting again with a representative group of aboriginal peoples in the round table discussion, which will be public, and again with the parliamentary committee which has just been established at the federal level in a public meeting process here in Alberta, probably in the Legislative Assembly building. That in itself will be a unique and interesting experiment in consultation with our federal colleagues and with the people of Alberta.

Having said all that, it's time to get on with the discussions and carry on with the introductions.

MR. ROSTAD: Ken Rostad, MLA for Camrose.

MR. McINNIS: John McInnis, MLA for Edmonton-Jasper Place.

MR. DAY: Stockwell Day, Red Deer-North.

MR. SEVERTSON: Gary Severtson, Innisfail.

MS CALAHASEN: Pearl Calahasen, Lesser Slave Lake.

MR. CHAIRMAN: I'd like to ask Thomas Lo to come forward now and make his presentation.

MR. LO: I've never been in front of an honourable audience like this, so I'll try my best to present my personal views and what I found talking to people about the Constitution. I'm the kind of person who'd like to see Canada kept together. From what I gather, there is a background of discontent. There are a number of reasons for discontent. I think most people's view is that there is an artificial promotion of bilingualism and the federal government is forcing the two languages down the throats of the people rather than letting things develop naturally. Also, if you don't mind me saying so, there's a general consensus of distrusting all politicians whether it's in government or in opposition, because a lot of people feel they are talking on both sides. That's the view the people have. It would be nice if politicians had the guts to stand up and say what is the right thing for the country rather than for the party or their own political reasons. The newspapers don't have either; they flame discontent. You saw the news where Ontario people were stamping on the flag of Quebec. I mean, it doesn't help the situation. People are not respecting the history of Canada. The two founding people were the English and the French. So that is the discontent. I suppose you've probably heard all this before.

My analogy for the problem we have is a quarrel between husband and wife. It's hard to settle. I don't think you will get a consensus view of what the new Canada should look like in the near future, because they're bound to have reasons on one side or the other to get to the way we are, to a crisis situation. If Canada does separate, I think it's bad for both sides, because it's like a divorce. It's not a pleasant thing.

I would also like to comment on the myth that if Alberta separates, we western Canadians can join the U.S. I don't think that's true. Why should the U.S. want western Canada? They already have free trade; they have the economic ties. They don't need a bunch of Democrats joining the U.S., because even the most right-wing party in Canada is like the Democrats down in the States. I mean, Bush doesn't want any Democrats for sure. Why should they want western Canada?

There are a number of proposals on my part. One is that I think distinct society is okay. It has been misconstrued in a lot of ways, feeling the words "distinct society" mean they have supreme power over the other provinces. I think we could well define the term "distinct society" – we should respect the distinct culture and the features and the language of the French. I think there is a chance that both English and French Canada can coexist. I mean, if we don't accept the fundamental distinct features of the French people, there's no way the two parties can come together, because if the husband doesn't recognize certain things about the wife, there won't be any marriage. It's as simple as that. The only thing we have to be careful about is that the federal government makes sure the distinct society is well defined so it doesn't give people the wrong impression that the French are superior to the English or cause problems for the other part of Canada.

Indeed, I think individual rights are very important, and individual rights means Quebeckers should have their own language rights. You know, I'd like to be able to speak my own language in my own confines. Ninety-five percent of people in Quebec speak French. Why should they be forced to speak English? In the same way, why should Albertans be forced to speak French? It's a reciprocal feeling. If you don't want somebody to hurt you, you don't want to hurt somebody else. It's mutual.

I don't think property rights are such a good idea in the Constitution, as I just recently read in the newspaper. It's quite a nebulous thing. I mean, property rights with your own house are okay, but if you decide to paint your house pink or a funny colour, the property value around that house would devaluate. So I have certain reservations about the property rights recently proposed by the federal government.

7:15

I think economics should rest with individual provinces just like our diversity and culture, because provinces are different. Alberta should have a say in energy and forestry and so on, B.C. should have a say in fisheries and forestry, and Ontario, for example, should have a say in manufacturing, which is their main economic base. I don't think the federal government should control too much about individual provincial economic activities, but I do believe they should try to represent Canada as a whole when they talk to outside people. I don't think other countries would look at Canada as well if they weren't united and didn't talk with one voice. You know, they'd find it a bit confusing because they wouldn't know who to talk to – one day one way and the next day a different way. That's not how a government should function. When government says A has to be done, it has to be done in A's way and not B's way. Don't flip-flop; that's the worst thing for a government.

I suppose you probably know I'm of Chinese origin, with my accent. But I think personally, being a minority, we don't promote Canada as well as we should. We promote a lot about multiculturalism, but I sometimes feel maybe we overdo it. I mean, we should promote Canada first. This is a crazy idea: maybe we should sing *O Canada* in school. Maybe the educator may have a different view about it. You know, we are Albertans, but we are Canadians. I don't think anybody here would say they are not Canadian. We may call ourselves Albertans, but we also know we are Canadians.

I hear a lot of different views, but I feel most people don't feel we should drastically change the whole process. I think they look to leaders like yourselves and the federal government to fix the problems now, but not wholesale changes. I mean, Canada is like a priceless car; you don't want to swap Canada for a different type of Canada, a different car. We can't afford it. I think people are looking for a cheap means of fixing the problem now so Quebec can stay within Canada and every province is happy and everybody stays. It's not an easy job, but I think people look to leadership among yourselves to give them direction and make changes.

I don't know; maybe I'm wrong. I'm not a politician. But I think people feel that once you reach an accord, it's engraved in stone. My personal feeling is that maybe . . . Like, a Meech Lake accord isn't engraved in stone. There could be changes to it, couldn't there? I don't know. People are so afraid that once you reach an agreement you can never change it; it will be with you for 100 years to come. I think that's why people are so skeptical when something proposed comes out. There should be flexibility whereby if it's really bad . . . I mean, nobody can see where Canada is going in 100 years. Look at genetic engineering and all those things. Even ethics is going to be a problem; morality is going to be a problem. I don't think anybody like yourselves can see a lot of things that will happen in 50 years, so a lot of things we cannot legislate. It's better to give some flexibility. If there are changes, the consensus of Canada can change it rather than engraving it in stone like the Ten Commandments.

That's all I want to present to the board here. Thanks for your patience in listening to me.

MR. CHAIRMAN: Listen, Thomas, don't go away for just a moment, because in many respects I think most members of the committee would agree that what you've said about this country of ours is refreshing and that you've spoken from your heart.

MR. LO: I do, yes.

MR. CHAIRMAN: You reflect the views of a great number of Canadians. Speaking for myself, I very much appreciate your presentation this evening.

One thing you mentioned, if I could say this as chairman, is the news media. We've been meeting with some coverage from the news media from time to time, although I don't think any are present now. Most of the reporting has been accurate as to what's been said, but one of the things that bothered me I'm going to put on the record right now. When Mr. Parizeau appeared before a panel of this committee – I was on that panel, and I think Gary Severtson was the only other member in Calgary on that occasion, because we have 16 members and we've switched around a bit – all the television cameras, all the radio stations, all the news media came into the room, and as soon as he finished they all left. But when Albertans were there to express their views to us, the news media were noticeable by their absence. I just wish quite frankly a lot of Albertans and Canadians could have heard what you had to say tonight, because I thought it meant a lot.

MR. LO: Personally, I feel the newspaper is there to make it interesting for people to read. I mean, if news is boring, it won't be news. One good example: if you watch television, you can get a man and wife divorced a million times. They make up again and divorce again; they make up again. They love to look at sensationalism. Jacques Parizeau, I think, is a figure that maybe they can tap something sensational from; they can write a big report on him. If I make a presentation, all my facts are too boring for them; the newspaper is not interested. I mean, they are making a living too. That's how they sell newspapers. You know, sometimes they may go a bit overboard, but that's the way it is. This is a fact of life. I hope they're being more responsible for the sake of the country. One thing that comes to mind: when I saw in the news somebody stamping on the flag of Quebec, I thought of somebody stamping on the flag of Canada. You know, what would they feel? Maybe it's just a minority. Being a minority, there are always some people who discriminate against you. You have to use your strength to overcome your shortcomings. My shortcoming is that I can't speak the language as well as anybody here. But I know what I am good at, what my strong points are, so I just come and say what my strong points are.

MR. CHAIRMAN: Well, thank you very much, Thomas.
Any questions or comments from any one else? Yes, Stock.

MR. DAY: Mr. Lo, you mentioned artificial bilingualism. Are you referring to what the public perceives as the funding of the promotion of different ethnic groups? Is that what you mean by artificial bilingualism – sorry – artificial multiculturalism?

MR. LO: What I find is that this is not the only country in the world with bilingualism. I mean, look at Singapore. They have four official languages. I think maybe the federal government should send somebody over there to see how they run it. Nobody actually complained about the government forcing the language down their throats, but in Canada people seem to be complaining about it all the time.

One other thing: I have friends whose son and daughter joined the RCMP. You have to be bilingual before you join. I mean, there's a certain amount of flexibility there that if you want to be promoted today to head honcho in Alberta you don't have to, but if you go anything beyond that, you have to supervise the Quebec portion of the police, then you should be able to. The way it goes now is that thou shalt do this in no other way, and that's what people resent. I've heard resentment that these people who join the RCMP have to be bilingual first. If you serve in Alberta or Manitoba or B.C., you don't really have to be bilingual. I understand the federal government has Quebec and the rest of Canada together and they have to be officially bilingual, but there should be a certain amount of flexibility. People shouldn't resent the way they do it. I don't know; I'm not an administrator. I don't know the best way to do it. But people resent that.

The multiculturalism. I think if they overdo it, it could backfire on them. Sometimes we put multiculturalism ahead of the identity of Canada. I think a lot of politicians sometimes have been spending too much time on multiculturalism. Actually, some of the functions they go to – I remember Pam Barrett and I walked that China gate. Remember me? Yeah, we walked that China gate together. You know, you see the few hundred people every time you go to a function; they are the same people. You're not getting down to the grass roots of people even on multiculturalism. I find sometimes that this is, you know, a ceremony, an excuse to sit together, have drinks, and mix together. Then some multicultural group gets an advantage from the government and so on to get things that other people don't have. It's kind of discrimination. I remember in the '70s that people talked about antidiscrimination against the blacks, because the blacks had a certain quota going into university, not because they're good at it but because they're black. That's wrong too. You know what I'm saying? I think people should be able to go into a job because of their ability, not because they have a certain distinct character, so they got into the job.

7:25

MR. CHAIRMAN: Thanks Thomas.
Gary Severtson.

MR. SEVERTSON: Thanks, Mr. Chairman. I guess I was just going to mention that this afternoon we had the Chinese Canadian National Council, Edmonton chapter.

MR. LO: CCNC. Okay; yeah.

MR. SEVERTSON: They state quite a different view than you, in a sense. They thought that multiculturalism should be put in the Charter of Rights to protect multiculturalism for language. Also, they even mentioned, I think, that all multiculturals should have seats in our Legislatures or Senate. I can see your view is quite a different point of view from their group's.

MR. LO: I think not. I think we should have Canada ahead of individual people, different races of people. I think multiculturalism should be promoted in a lot of ways sometimes to help Canada as a country, because we do business with a lot of different countries. It's nice – I mean, I remember where I come from and the people around me, if somebody could speak Chinese to them, they were so excited. It's always good for somebody who can learn more than one language, if they can do it. I'm very bad with languages, but if you could, it's good for business. I think multiculturalism should be promoted, but I think a lot of people, even in the community, feel it is overdone in some cases. A lot of them are superficial too. You see, they're not really getting the grass roots of the people. They're there to see the function, get their snapshot in the newspaper, and basically that's what the function is for. It doesn't really give too much influence to the people. A lot of people can make their own ideas.

MR. SEVERTSON: I agree with your views.

MR. LO: I don't know. I think the United States seems to be a better thing than Canada in that when you become an American citizen, you are a U.S. citizen before you can say a Mexican or Chinese and so on. Here it seems to be the other way around. I don't know. I think that if you want to keep a country together, people have to say "I'm a Canadian first" before I'm a Chinese or I'm a Japanese or I'm from England or I'm Ukrainian and so on. Maybe it can't be done; I don't know. I'm very theoretical, but reality is very different from what I said. But I think we should make Canada first.

I know each ethnic leader has to get brownie points from their own people too; let's be honest. They have to go back to people and say, "Hey guys, it's not just English and French." We Chinese, for example, have a place in there; we Ukrainians have a place in there. I think that's why it is so tough for you people to try to get a consensus of people. There are a lot of self-interested groups too. You have to distinguish what's good for Canada and what's good for the individual group.

MR. CHAIRMAN: Well, thanks very much, Thomas.
Pearl wants to make a comment too, I think.

MS CALAHASEN: I did. It was regarding the jurisdictional issue. You discussed some of the jurisdictions that Canada as a whole should have and some of the provinces for a delegation. I just wanted to know what areas of jurisdiction should belong to the Canadian scene, with the federal government, and which ones should belong to the provincial government.

MR. LO: I'm an engineer, so I'm not very good with this. This is a tough question. I think that if anything affects the provinces, the provinces should have the right to determine the operation, the management within their activities. I'm just using the economy within the province as an example. Education would probably be the other one, because it's in the BNA Act that each province look after their education. It hasn't changed. I don't think it's a bad idea, but I think we should have a national standard for our education. I do believe that. I do believe that when you talk to other countries, it's better to have a central government to talk to them, with Canada appearing to all foreigners that we are united as one country rather than a country made up of 10 loose federations.

I mean, a lot of things are perception more than facts. I suppose you people in politics know that in a lot of things substance is not as important as what the perception is. I think we have to give people in Canada the perception that we're united together. I don't know how. There may be other jurisdictions that maybe the provinces should be looking after on their own rather than the federal government. I think it is maybe up to Mr. Jim Horsman or the opposition – I probably know that they are both the lady and gentleman opposite – maybe let them figure it out. I think it's nice to see Pam here and out there, because I think it's not just the government. If it succeeds, I think it's an all-party effort. We should not distinguish that this is the PC government who succeeds or this is the Liberal government who succeeds or this is the NDP government who succeeds, because that's dangerous. You start playing politics. You should be united together as one party and fix the problem. If you don't fix it, you may not have a second chance, just like a divorce proceeding. If you don't stop the divorce before you start the ball rolling, it's too late.

MR. CHAIRMAN: Well, thank you very much, Thomas. You've been in many respects a breath of fresh air. Thank you.

MR. LO: Thanks.

MR. CHAIRMAN: Doris Ronnenberg, Gordon Belcourt, and Rose Purdy, I believe, are here to make representation on behalf of the Native Council of Canada. Doris Ronnenberg will be speaking on behalf of the organization. Welcome, Doris and Rose.

MRS. RONNENBERG: Gordon may join us, but I think he's delayed somewhere.

MR. CHAIRMAN: Okay. Well, would you like to go ahead in any event.

MRS. RONNENBERG: Yes, I'll do that.

Mr. Chairman, members of the Alberta Select Special Committee on Constitutional Reform, ladies and gentlemen, my name is Doris Ronnenberg. In the last seven years I've been president of the Native Council of Canada (Alberta). Gordon Belcourt was supposed to join us. As I've said, he may be on his way here. Rose Purdy is an example of an urban Indian.

First, let me thank you for allowing NCCA to make this presentation and for inviting us to participate in your October aboriginal forum. As indicated to your colleagues on Thursday, we are amending our written brief to take into account the federal constitutional and economic packages tabled in the House of Commons Tuesday and Thursday of this week. We will present our brief to the October aboriginal forum. In the 15 minutes allotted to us this evening, we cannot begin to address properly the problems and concerns of Alberta's off-reserve Indians, including those Alberta Indian people who have acquired or reacquired status under the 1985 amendments to the Indian Act, Bill C-31, and nonstatus Indian people in Alberta.

I will confine myself here to two basic suggestions. One, in developing a constitutional position for Alberta, this task force must take into account all segments of the Alberta aboriginal population, not just Metis or reserve Indians. We have always supported provincial initiatives for the Metis, such as the framework agreement and the recent legislation regarding the Metis settlements. We have always supported provincial initiatives for the reserve Indians through their chiefs and councils. However, we do not understand at all present provincial policy towards off-reserve Indians, including those Alberta Indians who have acquired or reacquired status through the 1985 amendments to the Indian Act, Bill C-31, and Alberta nonstatus Indians, particularly urban-based Alberta aboriginal people. In your constitutional report, we submit, you must take into account the large third force of Alberta aboriginal peoples.

7:35

Today I have brought two copies of a 31-page statistical overview of Canada's off-reserve aboriginal population prepared by the federal Secretary of State in July 1991. Until new census data are available next year, this statistical overview is the most comprehensive picture we have of Canada's and Alberta's off-reserve aboriginal population. I should like to read the nine key findings.

- In Canada, most persons of aboriginal origin live outside reserves. Although the largest group, in absolute terms, is found in Ontario, they are proportionately more numerous in the western part of Canada;
- By Canadian population standards, the aboriginal population living off-reserve is quite young. In 1986, almost three persons of aboriginal origin living off-reserve out of five were under 25 years of age. By comparison, only two persons out of five in the general population were in that age group;
- Canadians of aboriginal ancestry living off-reserve are much more mobile than both the Canadian population as a whole and persons of aboriginal ancestry living on reserves;
- The educational characteristics of persons of aboriginal descent living off-reserve appear to be much closer to those of the Canadian population as a whole than to those of aboriginal persons living on-reserve;
- Outside Quebec, Canadians of aboriginal origin living off-reserve appear to speak English as often as the rest of the population; however, in Quebec, they seem to speak French somewhat less often than the Quebec population as a whole;
- Relatively few persons of aboriginal origin living off-reserve report an aboriginal language as their mother tongue; even fewer still speak one at home;
- Although they seek to work just as much as the rest of the population, Canadians of aboriginal ancestry living off-reserve do not appear to have as much success in the labour market, as reflected by a higher incidence of unemployment and part-time work;
- Persons of aboriginal origin living off-reserve are under-represented in managerial and professional occupations when compared to the Canadian population as a whole; similarly, they are proportionately less numerous in the manufacturing sector;
- Not only are there relatively more persons of aboriginal origin living off-reserve with no income than in the general population, but those who do have an income earn on average substantially less.

There is more to Alberta's aboriginal population than Metis and reserve Indians. We hope this committee and the October aboriginal round table will join the other Canadian provinces and territories in taking a 20th century approach and design needed constitutional reforms for all of Alberta's aboriginal people.

You have heard a lot recently about the inherent right of aboriginal self-government. In addition to the aforesaid statistical package, I will file here today 10 copies of a paper we presented to a recent symposium at the University of Toronto, which paper is being published. The paper deals with the three origins of aboriginal self-government. At the end of this paper we refer to the responsibility and accountability of aboriginal individuals. That goes along with aboriginal self-government. Little is heard of this, yet my office constantly hears of Alberta stories where individual Alberta aboriginal people are not being properly treated within aboriginal collectivities. It has got to the point now where I think we need an aboriginal bill of rights, perhaps located after section 35(4) of the 1982 Constitution Act.

At the aboriginal forum I will be elaborating on examples why such an aboriginal bill of rights is needed in the Constitution. However, before I take questions, suffice to say here that the general treatment of off-reserve Indian people, Alberta Indian people who have acquired status under Bill C-31 and Alberta nonstatus Indian people, has been terrible. It might be described as indifferent at best. I think it is time Albertans come out from behind jurisdictional agreements* and give the subject new thinking.

In conclusion, I will cite one concrete example for you, the case of Sarah Schug, of Wetaskiwin. Sarah, an off-reserve Samson band Indian, has fought a hard battle on principle for her birthright. Her case is outlined in one of our newsletters. I will file 10 here today along with the two other documents earlier referred to.

Thank you for your attention.

MR. CHAIRMAN: Well, thank you very much, Doris, for your presentation and for the supporting material, which we will read and circulate to our other colleagues who are not at the moment with us. I also note that you are fully prepared to participate with us in discussing the matters in an aboriginal organizations round table with the full select committee later on next month. We're looking forward to that. Hopefully, that will be a good opportunity for more and better understanding of the total issue that we face as Canadians and as Albertans.

Pam Barrett.

MS BARRETT: Thank you for your presentation, Doris. You and I have talked on many matters before, but you know what? I just realized this afternoon when I got your brief that we never actually talked about the incorporation of urban aboriginals in the Constitution. I wonder just in general – I know we're going to have a good discussion when we get together with the Indian Association, Metis, and so forth – if you have a sort of general notion right now about how we can, I guess, start to make reference to urban aboriginals who are not treaty and not Metis in a way that makes sense in the context of self-government that is going to come.

MRS. RONNENBERG: Where do I start?

MS BARRETT: I know; I gave you an easy one. That was just for starters.

MRS. RONNENBERG: Okay. Now, when you're talking about the Indian Act, Indian affairs will always cite section 4 of the Indian Act, where they do not have any responsibility for an Indian person after they leave the reserve; okay? What we have found is that the pre-Bill C-31 Indian was just as badly off as the Bill C-31 Indian who did not get back on to the reserve, because Indian affairs is using section 4 of the Indian Act to deny them services. What we have been finding in the seven years I've been president is that we've been going from pillar to post, the federal post and the provincial post. Up until now – I'm beginning to see a glimmer of hope – there's never been any real responsibility taken by any level of government. That has got to be centrally addressed if you're going to be thinking of the urban-based aboriginal people in a self-government process. Now, what that self-government process will look like is going to really try the imagination of many people, but we have to start addressing it.

MR. CHAIRMAN: That's right. Thank you very much, Doris. John McInnis, and then Pearl Calahasen.

MR. McINNIS: That was really the nature of my question, because I know there are a lot of aboriginal people who live in my constituency in Edmonton-Jasper Place. There is an analogy between self-government on reserve as well as off reserve, and I presume some people are thinking about what might be the best way to practise self-government off reserve. Am I right?

MRS. RONNENBERG: Yes, that's what we're looking at.

MR. McINNIS: Have you had any success in terms of developing a model?

MRS. RONNENBERG: No, but we're starting to look at it. I don't think you'll find one in North America, because we've been looking. You know, there are parts of things that we might be able to take, and I'm sure Mr. Rostad could . . .

MR. CHAIRMAN: Pearl.

MS CALAHASEN: Thank you. Doris, it's nice to see you again. I know we've had communication on a number of fronts. I find this really strange, because I've got people, immediate family members, who are treaty, I've got immediate family members who are Bill C-31, and I've got immediate family members who are Metis. Sometimes I really don't know where I belong in some of these views, because they have totally different views in terms of self-government, in terms of who should be running the show on the reserve, and who should be involved. The Bill C-31s are saying to me, "We want to be able to make a difference too, in terms of what happens to our lives."

I guess much on the same question as Pam and John is: although we can't seem to come up with a model of sorts of how we can include the Bill C-31s or some of what you call off-reserve Indians – not necessarily urban Indians but, you know, off-reserve Indians – do you feel the process we are using in terms of getting the views of the aboriginal people is one way to be able to ensure that we get those views in the manner that we should be?

7:45

MRS. RONNENBERG: It certainly is, because along with this particular hearing we are going to be having other aboriginal hearings, including First Nations, MNC, and NCC. Our intent, at least from the NCC point of view, is that we want to hear from the grass-roots population.

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*see page 622, right col, para 8

MS CALAHASEN: Exactly.

MRS. RONNENBERG: This is why we have a constitutional review commission at our national office.

By the way, William Beaver is our appointee to the six-person commission that we have out of NCC. Basically, he was an Indian before Bill C-31, but we wanted somebody with a very strong treaty focus so that when the commissioners are meeting, our input from Alberta and the prairie provinces could be a treaty focus. As a Bill C-31 Indian, I am a treaty Indian, so I have to be concerned about the treaties themselves.

MS CALAHASEN: So the jurisdiction should still belong in the federal government versus the provincial government in terms of services and programs, as happens to treaty Indians?

MRS. RONNENBERG: For Indians, yes.

MS CALAHASEN: For the Bill C-31s?

MRS. RONNENBERG: That's right.

MS CALAHASEN: But we're caught in between. I say "we're" because I have sisters who are in the same position, caught in between, and sometimes they wonder whether or not the province should be more responsible for the Bill C-31s versus the federal government and how that could change in terms of the aboriginal issue.

MRS. RONNENBERG: When Bill C-31 became law in 1985, we fought for section 17 within Bill C-31. That's the one that Siddon used to create the Woodland Cree band. Now, that was Alberta's work, NCCA's work very specifically, because before that they used to have another section of the Indian Act that the minister used to use, so section 17 was brand new. We thought and we saw ahead to where the existing bands, at least in this province, most likely would not take their people back. That was a given. So we felt that these people needed a land base. They have aboriginal rights and they have treaty rights, so they should be able to have new reserves created for them. That was why section 17 was fought for, to be part of Bill C-31. Across Canada so far the Woodland Cree band has been the only section 17 band created. Now, many other nonrecognized bands have been created, including Big Point band – you're familiar with them – but they've never had recognition from the minister of Indian affairs.

MS CALAHASEN: The federal government; right.

MRS. RONNENBERG: Yes. I'm elected, and so are you, but we can't sit here and make the decision that these people do not need a land base. If they wish to have a reserve and they come together as a collectivity and they get their documentation right, then I think the idea of a new reserve for these people should be addressed. Otherwise, what we're doing is promoting dissention. If they're not wanted in their home communities, then we shouldn't force the issue. I mean, how would you like to move into a neighbourhood where everybody didn't like you? Would you stay there very long? So why should aboriginal people be put into that situation?

MS CALAHASEN: It's going to be an interesting round table when we get to it, Mr. Chairman.

MR. CHAIRMAN: Yes, it will be.

Well, thank you very much, Doris and Rose, for coming forward and giving the views of the Native Council of Canada. As you quite rightly point out, not just governments tend to ignore the existence of the Native Council of Canada and its people, but the news media tend to centre only on one of the elements in our aboriginal population.

MRS. RONNENBERG: Well, Ovide is very photogenic.

MR. CHAIRMAN: Well, leaving aside the current leader, going back over the last two or three leaders, it's always been centring on one segment only of the aboriginal peoples of this country. There's a much bigger picture to be told and seen by Canadians than what we've been hearing and reading about.

Thank you.

Oh, I'm sorry; Ken Rostad.

MR. ROSTAD: Before you leave, just for the record, because what you read in is in *Hansard*, there was an error where you were reading on your last page saying, "Albertans come out from behind jurisdictional . . . " You said, "agreements." In your document it says "arguments." So just for *Hansard*'s sake we should correct that to read "jurisdictional arguments," because it is a little different than "jurisdictional agreements."*

MRS. RONNENBERG: Okay. I just got new glasses, and I'm having trouble with them.

MR. CHAIRMAN: Your arms got too short? We know what that's all about.

Terry Jones.

MR. JONES: Mr. Chairman, hon. members, I'm here as a private citizen. I'll give you a little background on myself. I became interested in politics and the political process when I found out in my relative youth that I was born on the same day as the Social Credit government of Alberta. I took part in the Young Progressive Conservatives at the University of Alberta in the mid-50s and have been involved with the origins of the Reform Party in the Elk Island riding here in the province. This interest in politics has been expressed by myself throughout a 17-year military career and continues to the present day. I'm a serious student of our national situation and in particular our current constitutional and unity problems.

There are two particular points I would like to emphasize in my presentation. I regret, as the chairman has pointed out, that media coverage of this particular portion of the process has been very poor. So if I'm redundant in my presentation, I apologize to all concerned.

The first point I'd like to make is that I feel that the entire process in Canada at this time is extraordinarily flawed. In light of the experience of virtually a century and a quarter we've apparently learned nothing, and even with the debacle of Meech Lake in the immediate past, the individuals in Ottawa choose to go behind closed doors again. Despite the expenditure of $20 million-odd for one group that traveled Canada and spent an extraordinary amount of money and listened to a lot of people, there's very little evidence that any of that information got through to the people who have most recently come from behind their closed doors.

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*see page 621, left col, para 3, line 8

I put it to you that if the 10 of us chose to, for an identifiable common goal, go into business, and we identified individually and collectively potential benefits in doing so, we would put a few points up on the wall that we agreed upon, there would be a number of points that would be matters of contention among us, and they'd call for a lot of discussion and a lot of debate and ultimately a lot of flexibility on our individual parts if we were successfully going to arrive at a workable entity when it was all done. Then probably we'd hire some managers to administer the thing for us and to achieve goals that we'd set out for them. If in 20 or 30 years we found that perhaps one of our members had decided the group wasn't really achieving his goals anymore and several of the others as well felt that perhaps they'd been shorted in the overall experience, I don't think that the nine of us would ask the managers that we had hired to fix the process for us. I think that we would have to get together again and decide if our mutual goals still existed, and if so we'd go through the process again and decide those things that we really agreed upon and those things that we had to effect serious compromises on.

7:55

This is not what I experience is going on at this point in time in our history. I agree with others that have spoken already tonight that if we miss it this time, it's all over. I don't see that we're going to get another shot at this. What I'm suggesting in this is that in this methodology of achieving or arriving at an amended and hopefully a far improved Constitution for all of the peoples of Canada – aboriginal and the various multicultural groups and the so-called founding groups – Brian Mulroney, Don Getty, Mr. Bourassa, and certainly not Mr. Parizeau: none of these people, to my knowledge, have been given a mandate to decide where Canada's going and how it's going to get there.

The reason that I elected to speak to this particular committee is because as a strong and loving Albertan and yet a devout Canadian I really feel that we are remiss in not arriving at a process by which the groups that really make up this country are being adequately heard and that their needs and their long-term aspirations are going to be met through this process. Brian Mulroney's needs and perhaps M. Bourassa's are going to be met, but I'm not sure that those of the rest of the Canadians are.

The second point that I'd like to make is that in my youth I attended military college in the province of Quebec. I became functionally bilingual. I worked there and raised part of my family for about four years in the late '70s as well. Then I had occasion in my current business activity to go to the province of Quebec this summer. I took two helicopters with crews of two on two different occasions – that is, eight different people – into the province to work on forest fires. What I found renewed my previous experience, and I was extremely refreshed to see the experience of the crews that I took in. Virtually none of them spoke any French, and I was the only one of the group that was able to communicate in the French language effectively. Yet every one of these eight gentlemen will tell you and anyone they speak to – and indeed they are telling people that they meet all the time – about how extraordinarily well they were received. Incidentally, one of the regions was Saguenay-Lac-Saint-Jean, which is understood in the rest of Canada to be the hotbed of separatism. Yet these people were hospitable and helpful and went out of their way to communicate and to support and help our people in every way, shape, and form that they could. Our English-speaking Albertans who were down there doing this work have nothing but praise for the people they met. Needless to say, they entered into a great deal of dialogue about separatism and national unity and where the country was going. What they found was without exception – without exception – an expression of desire to stay in Canada and to have Canada work.

Now, I'm sure that all of you committee members, in the experience that you've had, the knowledge that you've gained about this overall problem, know that the majority of the separatist element comes from the intelligentsia in essence, from a relatively small political group, and certainly from the media at large, both outside and within Quebec.

It was important to me from an Alberta perspective to hopefully have you, as concerned Albertans, understand that present experience.

Moving beyond that to the overall multicultural question as was raised by Mr. Lo earlier, in my personal experience I've worked fairly extensively in the United States, all across Canada, and in Europe. I have only ever seen one ethnic group that seems to feel a need to have its culture and its language protected. What I'm saying by this is that you can go to Montreal or to Toronto and visit the Italian community, who are very comfortable. They speak English when they need to. They speak Italian at home, and they maintain their culture at home. You can go to Vancouver, Calgary, Edmonton, and elsewhere in Canada, as Mr. Lo I think has implied, and see Chinese-speaking Chinese at home and getting along comfortably well in Canada. I personally fail to understand why the French-speaking people in this country and indeed in Europe seem to have less ability to maintain, at least in their own eyes, their cultural position and the purity of the language when so many other ethnic groups around the world and in Canada are perfectly able to do so. The Spanish in the United States are another example of what I'm expressing here.

Well, to summarize, I truly hope that if it can be recognized that the process as it's taking place in Ottawa and filtering out from there at this time is apparently not about to be representative of the needs and aspirations of Canadians, you ladies and gentlemen can identify that and perhaps move the process to one which will be truly representative of those needs and aspirations. I do want to emphasize that insofar as the multicultural question is concerned, I have seen throughout my adult life and am totally persuaded that we need less emphasis on multiculturalism, because all of the ethnic groups in Canada are fully capable of maintaining themselves and their cultures to the extent they choose to do so, Mr. Chairman.

MR. CHAIRMAN: Thank you very much, Terry. I'm going to have to take my leave.

You're just a month younger than I am. I know that because I was born just a month before the Social Credit Party came to office in Alberta in 1935. Now everyone knows how old you are too.

Thank you for your comments this evening. Just one comment about mandates of governments. You know, both the government of Alberta and the government of Canada received mandates from the people in general elections after Meech Lake was passed through their Legislatures. That's something that people have tended to overlook and seem to gloss over a little bit. It's true that the 1990 June week in Ottawa incident is regarded by most people as the Meech Lake agreement, but that was three years after the fact.

Not very many people paid attention in the summer of 1987. I know Pam Barrett and her colleagues went across the province and held hearings on Meech Lake, and others of us in the Legislature tried to get some interest in our constituencies in various ways, but people weren't very interested in the Constitution of Canada in the summer of 1987. I know that from my own personal experience in my own constituency. Nonetheless, that's history, and the key thing is to know: where do we go from here, and how do we get there in terms of trying to preserve the Canadian nation?

Others may have questions to ask you to comment upon, but I'm going to take my leave. Unfortunately, I have to catch a plane.

8:05

MS BARRETT: Jim said that he didn't have any luck in getting people interested in the constituencies, but I can assure you that we had a very big turnout at our public hearings, the NDP opposition. You know, I guess it depended on how you approached it.

MR. CHAIRMAN: But you still voted for it in the end.

MS BARRETT: Oh yeah, sure. Well, after we sponsored a bunch of amendments that we got a lot of ideas from.

[Mr. Rostad in the Chair]

Ultimately, I would agree with Jim that it may appear that we don't have a mandate, but it is true that Brian Mulroney was reelected as Prime Minister after the initial round of Meech Lake, and so far people have been saying to us, at this table anyway, that what we're doing is good and that every politician had better pay attention, because if we don't do it right this time, it's game over. That message is coming through loud and clear. Thanks, Ken.

MR. ACTING DEPUTY CHAIRMAN: Gary.

MR. SEVERTSON: Thank you, Mr. Chairman. Mr. Jones, you mentioned that the Prime Minister and the various Premiers weren't the ones to negotiate a new agreement, that you have to get to the people that count. What process do you envision, then, if the Premiers and the Prime Minister don't come to an agreement? Who does that then?

MR. JONES: Thank you, Mr. Severtson. In fact, my answer to your question will reply both to the chairman and to Ms Barrett as well. When I suggested that none of these individuals had mandates, yes, I don't dispute the fact that they've been elected and that at the point in time there were constitutional questions in the air, as there have been for virtually a hundred and whatever odd years. However, none of them was elected with specific platforms outlining their intentions insofar as a constitutional process was concerned. Certainly Mr. Mulroney has not been in his last mandate, and Mr. Getty certainly was not. Yes, there were elements of planks that took into consideration some of the constitutional questions, and he purported at that time to be an advocate of the triple E Senate, to some extent a watered-down degree of support at this point in time.

I do suggest that if the provinces are not willing to stand up and perhaps go to the people with a program, with a platform for constitutional amendment and process, they have got to call upon others within the provinces to do it. The provinces are the players or the individual business leaders, if you would, in this partnership that we're talking about, and it's the provinces that should be taking the key role in the leadership. Indeed, I add as well: whatever representation is nationally agreed upon for the aboriginal peoples, I do feel they are due a complete partnership in that process. Does that answer your question?

MR. SEVERTSON: No, I still don't know who the people – you say the provinces should take a role in getting an agreement, but then you said that Bourassa and Getty and various other Premiers aren't part of the mix. Who is from the province of Alberta?

MR. JONES: I'm sorry. My apologies. I'm not saying they aren't part of the mix. What I'm saying is that they have not stood up and laid out for the people of their province or the balance of the country what their program, their platform, is clearly and understandably, nor have they gone to their people, other than what is taking place now. I must admit that I don't know what's going on in other provinces at this point in time. I believe there are some similar processes going on, but I can't speak to the quantity or quality of them. This is encouraging. However, as we've experienced with Keith Spicer's commission, where is it all going to go in the end? Our elected officials, I believe, have to put before the provinces, before the provincial electorates, policies and programs as a platform and then be granted or denied a mandate to carry those to Ottawa.

MS CALAHASEN: To a vote, you're talking about?

MR. JONES: Exactly.

MR. SEVERTSON: But say we went through that process in every province and we have 10 or five areas of different stands. Then how do you negotiate? You can't move if Alberta goes with a fixed mandate from its people and Quebec's is a fixed mandate from their people but they're opposing views. Now, what's your solution from there?

MR. JONES: Well, firstly, Mr. Severtson, I feel that basically our people are all good-hearted. I believe that they're all fair and honest within themselves, and I believe that ultimately that process individually would take forward a platform of openness and trust, because after all if we do not come from that position, what in the devil are we trying to achieve anyway? If we cannot go with a spirit of compromise and a willingness to best accommodate everyone's needs and aspirations, I don't think we have anything to fight for in the first place.

MR. SEVERTSON: Okay. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Any other questions then?

Thank you very much, Terry; we appreciate that.

Our apologies again for Mr. Horsman. He lives in Medicine Hat, and the last plane that he's going to catch before Sunday or late, late Saturday is now.

We still have a number of presenters, and as the new chairman, I'd like to set out a little bit of format that not only will the panelists stay to the topics, but we'd ask that the presenters do too. We're here to discuss the changes we can make in the Constitution. That's not directed at anybody in particular; it's my experience as being a panelist and also having taken over the chairmanship at another meeting as well. Another thing is that I think our heads will only absorb in inverse proportion to how long we've been sitting on the other end, and we've been sitting on the other end since 9 this morning. In fairness to everybody else, we're only going to absorb so much. I don't mean to imply that you shouldn't speak your mind. Please do, because that's what we're here for, to hear you, but try and keep it focused and succinct, and we'll try and keep our questions focused and succinct.

With that we'll call Bill Haines. Is he here? Go ahead, Bill.

MR. HAINES: Members of the committee, thank you for this opportunity. I would like to summarize for you the ground I would like to cover, and then we can go back and take a closer look.

I would like to suggest that the Charter process is flawed. That is, I would like to recommend that the Constitution be amended so as to incorporate a reasonable time line within which judicial review of legislation would be encouraged, if not required, and outside of which judicial review would be unconstitutional. I would also like to recommend that the Constitution be amended so as to put a safeguard on governments that have received less than 50 percent of the popular vote but have received a majority of seats in the Legislature. The safeguard I recommend is that it should be a constitutional requirement that legislation sponsored by such governments must receive the support of, say, 10 percent of the opposition MPs/MLAs before this legislation is considered passed or eligible for Royal Assent.

I would also like to briefly reflect on a few of the latest developments out of Ontario and Ottawa. Also, on another matter, recently the federal PCs supported self-determination for Quebec. I would like to suggest that it be the position of Alberta to support such resolutions in the future only if they mention important qualifications, one being that no provincial government should be permitted the self-determination of raising an army.

&15

To conclude I would like to go back to the Charter and suggest generally or philosophically how I think the Charter may be improved. I would like to begin with a quote from Sir. John A. Macdonald from a speech he gave in Halifax in 1864. Macdonald said:

> It has been said that the United States government is a failure. I don't go so far. On the contrary, I consider it a marvelous exhibition of human wisdom. It was as perfect as human wisdom could make it, and under it the American States greatly prospered until very recently; but being the work of men it had its defects, and it is for us to take advantage by experience, and endeavour to see if we cannot arrive by careful study at such a plan as will avoid the mistakes of our neighbours. In the first place we know that every individual state was an individual sovereignty – that each had its own army and navy and political organization – and when they formed themselves into a confederation they only gave the central authority certain specific powers, reserving to the individual states all the other rights appertaining to sovereign powers. The dangers that have arisen from this system we will avoid . . .

We must remember that this is just during the ending of the Civil War in the United States.

> . . . if we can agree upon forming a strong central government – a great central legislature – a constitution for a union which will have all the rights of sovereignty except those that are given to the local governments. Then we shall have taken a great step in advance of the American republic.
>
> I hope we will be enabled to work out a constitution that will have a strong central government, able to offer a powerful resistance to any foe whatever, and at the same time will preserve for each province its own identity – and will protect every local ambition; and if we cannot do this, we shall not be able to carry out the object we have now in view. In the conference we have had, we have been united as one man – there was no difference of feeling – no sectional prejudices or selfishness exhibited by anyone; we all approached the subject feeling its importance – feeling that in our hands were the destinies of a nation.

As Canadians we can continue Macdonald's quest to not only learn from the mistakes and strengths of the U.S. but to actually strive to give Canadians a better government than the U.S. It is this central thought, according to one of Canada's greatest scholars, the late George Grant, that can give to Canadians their destiny as a nation.

The Charter process flawed. With hindsight I think it is clear that the U.S. charter process or judicial review process is flawed. The classic example of this was when the U.S. Supreme Court, in 1973, in Roe v Wade, overturned legislation in many of the states that had amounted to a consensus in America at the time to, whenever we can, bring every child, once conceived, home. This politicization of the court could have been prevented if a time line had been incorporated in the U.S. Constitution within which judicial review of legislation was encouraged, if not required, and outside of which judicial review would be unconstitutional.

Let me look at two recent Canadian examples that suggest that the Charter process is flawed. Recently a Quebec Superior Court overturned as unconstitutional the 1988 tobacco products Act, restricting advertising promoting smoking. Whether or not one agrees with the intent of this legislation, I think that as citizens we want the Charter to protect our rights in the future. Of course, the best way to do this is to have civil or nonmoney Bills law meet the constitutional test of being equal for all. This does have distinct implications, and I'll mention that later, but here let's note that we want the Charter to protect our rights in the future, and we do not want the Charter to be used by special interest groups and the personal politics of any one member of the judiciary to call into question all the laws ever passed by the Parliament of Canada.

Another recent Canadian example is in regard to the voting age. Although I do not have a strong opinion one way or the other whether the voting age should be changed from 18 to 16, I do have a strong opinion that the courts, through the Charter, should not be able to set the voting age. This, however, stands as a marked possibility should the right special interest meet up with the right judge anywhere in the land. This to me clearly suggests that the Charter process is flawed; hence, my recommendation to you that the Constitution be amended so as to incorporate a reasonable time frame within which judicial review of legislation would be encouraged, if not required, and outside of which judicial review would be unconstitutional.

Safeguards for governments with less than 50 percent of the popular vote. Although legally any government with a majority of seats in the Legislature must be obeyed, I think a natural sense of fairness would suggest that we place a constitutional safeguard on governments with less than 50 percent of the popular vote. A current example, of course, is the NDP government of Bob Rae in Ontario. I think that Mr. Rae would agree that there is the distinct possibility under the present system that controversial legislation passed by his government may be perceived as a form of coercion. I think Mr. Rae would agree that our attitude in this matter should be that of Sir Wilfrid Laurier when he said:

> We should appeal to the sense of justice implanted in everyone by the creator . . . and just as I myself will not be coerced by anyone, so neither would I ever consent to force coercion on anyone.

To resolve this matter for future generations, I do not think we need to change to a system of proportional representation. Rather, I recommend that the Constitution be amended to require governments with less than 50 percent of the popular vote to receive the support of at least 10 percent of the MPs/MLAs in the opposition.

While we are on the subject of Ontario, I'd just like to mention briefly Bob Rae's idea for a social charter. As far as I understand the nature of law, good laws remove from our presence hurtful temptations, represent a broad consensus of the people, and are equal for all. As far as the social charter is concerned, isn't it a historically repudiated temptation for us to think that, whether it be laws or linguistic/cultural nationalism, anything other than inventiveness, initiative, and an honest day's work by us all can ever produce enough food, clothing, and shelter for us all?

On the matter of a distinct society clause for Quebec, perhaps we can find a compromise in bringing to the public's attention the dichotomy between civil or criminal law and social policy or money Bills legislation. Civil law should be equal for all; however, money Bills need not be. We can say to Quebec that it is free to use financial incentives, money Bills, to promote the French language, but discriminating civil law will be unconstitutional. Similarly, we have in the Charter a provision that discriminatory quota laws will be permitted. I think that section of the Charter should be amended to specifically say only money Bills, quota Bills, where you have incentives to restructure society however you want, but to have law that is discriminatory, not equal for all, to have law that would send the police to a private business to effect certain discriminatory practices, should be unconstitutional. We should rally to that principle, that criminal or civil law should be equal for all.

Self-determination with important qualifications. I think in 1867 John A. Macdonald reasoned a rather old although powerful idea that ideas are more powerful than bullets. Under the leadership of Macdonald the colonies granted exclusive constitutional authority to the Parliament of Canada to control an armed forces and reserved to the provinces only matters of regional concern. The good idea that is Canadian federalism means that all interests should be encouraged to vie for the Parliament of Canada by appealing to all Canadians based on the goodness of their ideas. In other words, for the safety of all Canadians, in the interests of future generations, on the basis of the fair deal that is Canadian federalism, no provincial government should be permitted the self-determination of raising an army. On this, although we should always be Canadian enough to negotiate, where is the wisdom we should ever be so un-Canadian as to ever give in?

Back to the Charter. It has been suggested that the Charter has been written from the perspective of recognizing the primacy of the individual over the state for the sake of freedom. I would like to recommend that we amend the Charter to recognize the primacy of the family over the individual for the sake of the children. This is a philosophical approach to the Charter itself, and I'm not sure how it is to be incorporated into the drafting. However, I believe this approach is in the best interests of all Canadians, and for that matter all peoples. It has been said that the bridge between all the world's religions and cultures is ideals, and I think all of us recognize that the brightest star in the firmament of the Canadian sky has always been children growing up in a loving home environment. As those children grow, let us find the political will to give to them the ideals we believe in to strive for.

In conclusion, I would like to quote from George Grant. In his 1965 book *Lament for a Nation* Grant writes:

> In an earlier day this was one respect in which Canada could be differentiated from the United States. Canadians had memories of a conservative tradition that was more than covert liberalism. At their best, Canadian conservatives never stood on an abstract appeal to free enterprise. They were willing to use the government to protect the common good. They were willing to restrain the individual's freedom in the interests of the community.

Grant's idea was that the dream that could keep Canadians together is that we could give to Canadians better government than the U.S. I am encouraged that many Canadians have similarly expressed the need to reform our government processes and to uphold the ideals that make it all worth while. I am encouraged by this: that the dream is alive, and that we will have in Canada freedom informed by ideals.

Members of the committee, with your help Canadians of the future, and let's hope from coast to coast, will be able to address each other and say, "Hey, look: the Canada of our dreams lives."

Thank you.

8:25

MR. ACTING DEPUTY CHAIRMAN: Thank you, Bill.
Questions? John.

MR. McINNIS: Strange. I found your suggestion about limiting the time for judicial review under the Charter interesting, but it occurs to me that that's not really the way the system operates. It's not as if we have judges sitting around reviewing legislation all day. It isn't done in a systematic fashion. What the Charter says in section 24 is that it's to protect people, and anyone can invoke the Charter at any time in any court proceeding if they feel their rights have been violated by some action of government. So the alleged fact of a violation doesn't arise until somebody invokes the Charter in a proceeding. It seems to me that your notion of time limitation is fundamentally incompatible with the idea that the Charter protects us as individuals from whatever action is done by government at any particular time.

MR. HAINES: Well, I think we're seeing more and more that the Charter is being used by special interest groups. When you look at it in hindsight and you see that Parliament passed the Charter of Rights and Freedoms, do we really think that the intention of Parliament was to all of a sudden call into question every law ever written by the Parliament of Canada? Was that what they sold the Canadian people? I don't think so. They sold the concept that we want something to protect our rights in the future so governments of the future cannot do what we've seen in history, the terrible things. That, to the Canadian people, was good, but with what's happened with the Charter, the examples I've cited, I think we can see the flaw in the process. I think we can sell to the Canadian people the concept that the law should be equal for all, that we can sell to them a concept whereby we change the system, that legislation. We hire more Supreme Court judges. We say: "You look at this law; does it meet the highest ideals of the Canadian nation as found in the Constitution, yes or no? Tell us within six months." I think we're going to have to do that.

MR. McINNIS: So you would say that if an individual finds their rights under the Charter, their democratic rights or their right to a fair trial or whatever, have been violated, as long as the statute were more than six months old, that wouldn't matter?

MR. HAINES: Well, sure. It can be looked at more, but there are the examples of the courts throwing out legislation that represents the will of the people. There's the court throwing out legislation that is good, like the tobacco smoking law, you know, restricting the advertising of cigarettes. Do you think that one judge anywhere in the land should say to the Parliament of Canada, "You can't restrict the advertising of a harmful product?" I don't think so.

MR. McINNIS: I don't claim to be an expert in the judicial system, but I don't really think it works exactly that way. I don't think that rogue judges throw out statutes. I think they have to follow precedent. Their decisions can be appealed and are appealed. Ultimately there's a hierarchy of courts. It's not as if judges sort of go around overturning all the laws of Canada on a day-by-day basis.

MR. ACTING DEPUTY CHAIRMAN: Thanks, Bill.
Stock.

MR. DAY: Thanks, Mr. Chairman. I'm not here to debate you, Bill; I just want to get some more information from you if I can. Are you saying in general terms that you're uncomfortable with the fact that the judiciary can overrule something that was brought forward, legislated by elected people? That gives you some discomfort: is that what you're saying?

MR. HAINES: Yes. Take the example in the U.S. of Roe versus Wade, 1973. It just wasn't right that the Supreme Court could be so politicized in nature that it could say that legislation that was on the books of 50 states was suddenly unconstitutional. The whole process was flawed. Legislation brought forward by Congress, of course, should be examined by the Supreme Court to see if it's constitutional, but to manipulate the process and to go back . . .

We have here a Charter of Rights and Freedoms, and they say, "But we don't know what it's going to do." Well, it's ridiculous that Parliament would pass something and say that they don't know where it's going to lead, that now calls into question every law ever written by the Parliament of Canada. We're going to see Charter cases come up and come up and come up until finally I think the people will say, "We're tired of the process; we want the Charter to protect our rights in the future and to examine legislation." It's being manipulated. Of course, sure, I'm very concerned about the abortion issue, and how can you say through the courts . . . I would love the NDP government to bring to the people the platform: let's have abortion for socioeconomic purposes. Great. You know, let's vote on it. This is what we love; this what we think is right. If you lost your job, fine. Let the NDP government do that, but the way the intelligentsia, someone said as a word, has been able to manipulate the system to get their ends just isn't fair.

MR. DAY: Thanks for clarifying that.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Bill. Actually, just as an historical note, one of the arguments that was against bringing forward a Charter is that the judges would in fact then be making legislation. The notwithstanding clause, whether people agree with it or do not agree with it, was put in such that people could opt out of Supreme Court judgments in certain areas and allow the Legislature to determine what the law should be.

Going back to Mr. Lo, our first presenter, and the fact that our constitution shouldn't be chiseled in stone, it has to evolve as society evolves. Whether we think society's heading in the right direction or the wrong direction, I guess, is in the eye of the beholder and what we believe in as the society norms. What the Charter and what the judges actually use is generally what society is saying, and they're a little slower usually than society is in passing that judgment.

So I'm not arguing against you; I'm just giving you some background on how this happened. I appreciate your view and your presentation.

MR. HAINES: Thanks very much.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

Is Tim Boston here yet? He's not? We'll then call the four presenters on behalf of the Alberta Multiculturalism Commission: Tom Eapen, Orest Olineck, Craig Curtis, and Moni Sandhu. Although there are four presenters coming forward, they're going to keep within our time guidelines, and we'll try and keep our questions within our guidelines.

Welcome. It's an informal process, so just go when you're ready.

MR. OLINECK: Thank you. Mr. Chairman, committee members, ladies and gentlemen, my name is Orest Olineck, and I come to you as the vice-chairman of the Alberta Multiculturalism Commission. Thank you for giving us the opportunity to address the select committee on what we feel is the most important matter since Confederation itself.

In May and June of this year your committee held public hearings throughout this province to solicit grassroots input to the process of constitutional reform. The people of Alberta spoke on many topics, offering their insight into what they would like to see addressed in our constitution. We have analyzed their comments regarding multiculturalism and wish to address the points they have made.

First of all, allow me to say how impressed we were with the statements Albertans made regarding the entire issue of multiculturalism. These statements confirm that the Alberta Multiculturalism Commission is indeed on the right track. The direction of the commission changed in 1990 as a result of the public hearings we conducted in 1988. Then, as now, Albertans expressed their views regarding their hopes for a province wherein everyone is treated equally, everyone has the same opportunities, and everyone participates in society for the betterment of this province and all its peoples. Our mission at the Alberta Multiculturalism Commission is to ensure that every Albertan has an equal opportunity to pursue his or her hopes and dreams.

8:35

Another frequently referred to subject was the way governments approach multiculturalism. Many people felt that by supporting heritage arts and languages the government is contributing to isolation of our ethnic communities. It is not our intention to segregate any ethnic community in Alberta. On the contrary, our initiatives stress full participation in and contribution to and not isolation from society. It is through equal opportunity – linguistically, socially, culturally, politically, and economically – that all people in Canada will be able to fully participate in society, thereby benefitting not only themselves but all Canadians. We will examine some of these initiatives shortly.

Many people spoke to you regarding Canadian identity. What is a Canadian? Perhaps Mike Lohner in his presentation to this committee summed it up best. In his words: "Our traditions, our freedoms, our symbols . . . it's our similarities and our differences which hold Canada together and our tolerance of these differences that makes us Canadian."

We are all Canadians. We strongly believe in a Canadian identity. This identity is being melded every day by each and every one. It encompasses the best of what each of us brought to Canada. Pioneers started the process of building this nation. We are continuing where they left off. Canada has become the envy of everyone on this earth. We are famous for our compassion, generosity, and, yes, the tolerance we display towards the many diverse people we accept into this country. We know that diversity can only make us stronger.

Throughout your hearings one issue which seemed to unite Albertans was the quick, equitable resolution to native land rights and treaty claims. The commission has gone on record in voicing the importance of our aboriginal peoples. We recognize the importance of traditional lands and tribal customs.

Virtually unanimous in their views were Albertans when it came to discussing all aspects of education and multiculturalism. This seemed to many to be the key to how we could decrease tension and misunderstanding, which seem so prevalent in Canada today. Miss Schultchen in her presentation said, "Education is crucial to Canada's survival." Dean Smith expressed the need for true crosscultural training: "We live in a multicultural community and more so. Again, multicultural education taken very seriously across the country is essential."

The Alberta Multiculturalism Commission holds as one of its basic principles that education is of prime importance when it comes to managing the diverse nature of our society. Through our many programs we attempt to educate all Albertans, be it on how to successfully manage diversity in business, schools, in other government departments and agencies, or young people on how to participate personally in understanding and dealing with diversity.

Now we would like to share some of our initiatives with you. Allow me to introduce Tom Eapen, who will now address some of the specific programs in the area of awareness.

MR. EAPEN: Thank you, Orest.

Mr. Chairman, members of the panel, the Alberta Multiculturalism Commission has developed wide-ranging strategies to promote awareness of multiculturalism as a means not only to recognize and acknowledge our diversity but to provide programs and services to benefit from this diversity. Such awareness is promoted through our mobile display units that are traveling throughout the province to trade fairs, conferences, rodeos, and other community events, particularly in rural Alberta. The commission, through its community education program, promotes greater awareness and appreciation of Alberta's diversity to individuals and organizations with follow-up consultations to encourage community education activities to address issues arising from diversity. The *Alberta People Project* is a book and video about Albertans in the '90s that recognizes and acknowledges the diversity of perspectives and approaches to being Albertan. This project, scheduled for completion next year, uses Alberta talent and resources to present a fresh, contemporary look at the identity of Albertans and Canadians.

Education and multiculturalism have been combined in our Focus on Youth initiative, which began with a youth retreat for young Albertans from across the province last October. This retreat provided an opportunity for the Access Network to gather video footage for a video resource available to schools through the social studies curriculum. As a follow-up, a youth consultant met with youth focus groups over the summer to refine our youth strategies. In addition, two youths have been selected as members of the Alberta Multiculturalism Advisory Council to provide their perspectives as the council examines priority issues identified by the commission.

Now, Mr. Chairman and members of the panel, I would like to introduce Mr. Craig Curtis, who is also a member of the commission, to speak about participation.

MR. CURTIS: Thank you, Tom.

Mr. Chairman, committee members, the issue of equality underlines our participation program, which assists organizations representing cultural and racial groups to help their members integrate effectively and participate fully in society. By assisting these groups and their members to establish an equal footing in society, they will feel that they are part of Alberta's evolving identity.

Another way to promote equality of opportunity is to ensure that all Albertans have a strong voice and are able to communicate effectively their concerns. The commission's resource people development program is creating a training package that will assist individuals from ethnocultural communities to enhance their abilities to speak for and to their members on issues related to diversity. This program will produce cultural ambassadors who will promote more effective communication between groups, thus achieving greater understanding of the value of our diversity in this province.

I would now like to introduce Moni Sandhu, who will introduce access initiatives by the commission.

MR. SANDHU: Thank you, Mr. Chairman, for allowing this opportunity to address you.

Through the access initiative approaches the Alberta Multiculturalism Commission has developed various strategies in the access area which assist Alberta's public institutions, businesses, and others develop operations and services appropriate to the needs of Albertans.

The desired outcome of our partners in multiculturalism and managing diversity programs is that through education and training, an organization's work force and diverse client groups will be treated fairly and equitably and be given the same opportunities. Executive briefings are currently being developed to inform senior private and public executives of the importance of valuing and managing diversity and the benefits to their organizations. First Step: Managing Cultural Diversity in an Education Setting has been developed to provide the interpersonal and communication skills postsecondary educators need to deal effectively with today's diverse environment. A similar training program for health is being developed in partnership with the University of Alberta's Faculty of Rehabilitation Medicine. Future partnerships are being discussed with the city of Edmonton and other organizations. Managing Diversity: Gaining the Competitive Edge, a business forum, is being held on November 25 and 26 of this year in Calgary and addresses the issue of equality from a workplace perspective.

In brief, the access program is intended to focus its efforts and programs in affecting the decision-makers both in the private and the public sectors and in institutions to appreciate the value of diversity in our society. To achieve this end the various departments of the government and the committee at large must act in concert in promoting the objectives as set out by the Alberta Multiculturalism Commission as well as by the government of Alberta.

Thank you.

8:45

MR. OLINECK: Mr. Chairman, committee members, the people of Alberta have clearly shown that they want to be Canadians first, equal, each having the same opportunities to participate in all aspects of society. Canada and Alberta are diverse in their makeup. This diversity is a definite asset. We need to tap into the benefits of this diversity. Understanding and co-operation are two fundamental elements in building a strong Alberta and even a stronger Canada. As was demonstrated, the Alberta Multiculturalism Commission, through its programs, is indeed attempting to ensure that every Albertan has an equal opportunity to pursue his or her hopes and dreams. We encourage you to ensure that the positive values we as a province and country derive from the diverse nature of our society are equally important in the Canada of tomorrow as they are today.

On behalf of the Multiculturalism Commission board, thank you for allowing us to share our thoughts with you today. We wish you all the best in this most important pursuit.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Orest, Tom, Craig, and Moni.

Pam, you have a question?

MS BARRETT: Yes. I have one comment. It's a real pity that you weren't the first or second group that appeared before us instead of the second last on this round because, although I read your submission quite awhile ago, it would have helped clarify, at least to some audience members and participants, the real role of multiculturalism as the activists like you see it.

That being said, I'd like to ask you a couple of questions related to the constitutional proposals that were put forward by the government on Tuesday. We had a presentation earlier today by someone who said that (a) we need multiculturalism spelled out in the Canada clause, and (b) if we go for the distinct society clause governing the province of Quebec, we need also a reference to multiculturalism, because he feared, on behalf of his organization, that anybody who wasn't either French- or English-speaking could suffer inadvertent or other forms of discrimination. I wonder if the commission or any of you as individuals have comments on either of those two.

MR. OLINECK: Thank you, Pam. When you talk about the real place of multiculturalism in the Constitution, our commission feels that the key issue here is not so much the term multiculturalism as it is equal opportunity. We feel that the Constitution should clearly spell out that Canadian residents, whether in this country for five generations or five minutes, should be given the same rights and privileges without question and without any prejudice whatsoever.

MS BARRETT: Okay. But now let me just read to you – sorry about that. This will just take a second; I've got it right here. I just want to read the exact words of what is proposed for amending the Constitution. The exact words, after we're talking about the Charter: "shall be interpreted in a manner consistent with the preservation and promotion" of Quebec as a distinct society within Canada, et cetera. Then it says that

> for the purposes of subsection (1), "distinct society", in relation to Quebec, includes
> (a) a French-speaking majority;
> (b) a unique culture; and
> (c) a civil law tradition.

Now, the concern that was posed to this committee earlier today was that if we don't spell out somewhere in that section that, I guess, non French- and non English-speaking people need to be accorded specific recognition of equal value, the province of Quebec could introduce measures which would hurt or otherwise not favour those whose mother tongue is neither English nor French.

So you've answered my first question very well, Orest. I wonder if anybody – perhaps you – have a concern about that, or do you think that that's just sort of technical, not-to-worry stuff?

MR. OLINECK: I have read parts of that. I'm not sure if I can recall that specific section, but I did note in the report that there was reference made to other linguistic groups and other cultures without using the term "multiculturalism." We, I think, believe that all Canadians are equal and therefore should enjoy the same status, regardless of whether we should spell it out as being one of the two languages or cultural groups referred to or anybody else. It is "regardless." That is our position.

MS BARRETT: Okay, that's great.

I had written a note to our acting chairman, Ken, a few moments ago asking to be recognized first to ask a question, because I also need to make an explanation. I unfortunately need to leave right now. I'm a relative newlywed; I haven't seen my husband for two weeks and he's flying in in about half an hour. I apologize to members of the commission for having to leave early – but I assure you I will read the remainder of the remarks for the evening – and also to our next presenter, whose brief I have read twice now, including the poetry. I can imagine the types of questions that will arise, sir, and I assure you I will read the transcripts of those discussions that will take place, and ask your forgiveness for my leaving early.

Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thanks, Pam.

Stock, you had a question?

MR. DAY: Yeah. Thanks, Mr. Chairman. The board truly – at least folks truly show they don't discriminate when they allow a member from Red Deer to accompany them, so that was very gracious on their behalf.

I'd like to pose something to any or all of you. We've had a lot of comments, as you've read and yourself commented on, in terms of people coming to this table and talking about multiculturalism, its effects, their perception of it, et cetera. One thing that invariably is agreed on – I'm not saying I agree; I'm not saying right or wrong – is they say that in the United States there seems to be more of a collective pooling of thought saying, "We are Americans," whereas in Canada everything is hyphenated. Maybe that reflects the statement somebody made that Canadians are the only people in the world who keep tearing themselves up by the roots to see if they're still growing. I don't know if that's a reflection of that, but what are your thoughts on that as active promoters of multiculturalism and as you've clearly defined it? Is this true, and why is it? Do Americans more collectively see themselves as Americans? Why do we tend to be more hyphenated, if indeed we are?

MR. EAPEN: I would like to answer that. In Canada the people are from diverse cultures, and it is important that multiculturalism should be promoted. It is a question of choice in Alberta. We cannot have a unicultural type of diversity. We should have diversity in reality, and we must learn to recognize, manage, and value this diversity if we wish to remain strong as a province and as a country. America is a melting pot. Their complete structure is different from Canada.

MR. OLINECK: I think the other important consideration here is that we do promote and we strongly advocate, and we see this over and over again, that we are Canadians first.

MR. DAY: Moni.

MR. SANDHU: Yeah. I'd like to respond to that I think more from a personal experience point of view. I was born in Africa, and my father came from India. When I went to school, I went to Britain, and I got acculturated to the British norms and values and so forth. Then I came to the land of opportunity, Canada. Often the question is, "Who am I?" and I always say to myself that I am an Africanized, Anglicized, Canadianized Canadian of East Indian origin. I think that is really the crux of the whole thing as far as Canada is concerned when we compare ourselves to the United States. I feel here that I do not see . . . The word diversity itself perhaps has some negative connotations because you think everything's flying in different directions. I think there's so much diverse in me as an individual. I speak the English language, I dress as a western person, I speak Punjabi, and I have a different religion. But I think it is in this country that I can honestly and sincerely say, and I've been here more than 20 years, that I feel I'm a Canadian, and at the same time I can say I'm a Sikh, and I can even say I'm English to some extent; I enjoy Shakespeare. I think this uniqueness about Canada is the compassion and the understanding so that we people from all over the world – some here, as earlier pointed out, for five minutes and some here for many generations – feel very much a part of and a love for this country Canada.

8:55

MR. CURTIS: I can't resist the opportunity to respond to the Member for Red Deer-North. I certainly would like to comment on it, because I think that what we have in Canada is an excellent opportunity to also recognize that diversity which we have and continue to recognize that our strength is a component of all the different parts and to recognize that as being our true identity.

I think by comparing the United States and Canada, it's two totally different scenarios. I'm not sure that one should look to the United States as having a common culture either. I think we're seeing at the moment a very changing culture in certain parts of the United States, certain friction points which are very similar to when I lived in Africa. I think in Canada we can avoid some of those mistakes and those isolations and ghettoizations of communities and really work towards a united strength which is a combination of all the different parts and cultures and the relatively recent cultures that make up our population. That, I believe, in Alberta is our particular strength.

MR. ACTING DEPUTY CHAIRMAN: Thank you.

John, you had a quick . . .

MR. McINNIS: Gentlemen, I understood the central point of your brief to be that multiculturalism policy is not to divide people but to facilitate their participation, everyone's participation in the greater society. The written brief specifically mentions that towards that end our institutions should reflect the society that they represent. What I wondered is: does the Multiculturalism Commission have any policy on how that's to be achieved, what type of mechanisms; for example, what's known as affirmative action programs, or, to take another example that was mentioned earlier today, the idea of having specific representation on elected bodies from ethnocultural communities?

MR. OLINECK: Mr. Chairman, I'll try to take a stab at that first here. We have certainly considered and have debated the different kinds of advocacy that go on with respect to equality, such as you have said, in different businesses, institutions, and so on. Our conclusion is that no, we do not feel that we can live in a system where there is going to be or there will be quotas as suggested or proportional representation of groups in some of the situations you have cited. We fully believe that intolerance, racism, or prejudice cannot be reduced effectively through force. We think it's more effective to educate and demonstrate to business and society how diversity is of tremendous benefit to Alberta and that people would do and get to be what they are through their merits.

Craig.

MR. CURTIS: I think, Mr. Chairman, the recently tabled Multiculturalism Action Plan outlines a number of initiatives. One of those is the whole area of access, which has been dealt with in a number of policies: access to institutions, access to education, access in the whole community in all the facets of community life. I think one of the things that is being worked on through our institute is to deal with cultural diversity with business leaders and recognize that diversity is good for business and that to have a cross section of the community represented in those businesses is an opportunity.

Again I'd like to emphasize what Orest has said about the fact that the legislated approach we don't believe is the right one. Encouragement and opportunity are the two keys to promoting access in the province.

MR. EAPEN: Also, Mr. Chairman, there are 1,600 cultural groups in the province of Alberta.

MR. ACTING DEPUTY CHAIRMAN: How many?

MR. EAPEN: There are 1,600. It is very difficult to give everyone a chance to vote and elect 1,600 people to this panel, so we have to understand the problem here. We'd like to see everyone here, but at the same time we have to give a chance to those who can work in the area and bring the Multiculturalism Action Plan into being.

MR. ACTING DEPUTY CHAIRMAN: Thank you. We've been very fortunate. We've had a lot of them here to make presentations.

Pearl.

MS CALAHASEN: Some of it has been answered, but one of the comments I wanted to make was that it makes me feel good to know that the multiculturalism society or the multiculturalism board is looking after making sure there's an awareness and trying to make sure that equal opportunity is given to every Albertan.

One of the areas that I feel has been really neglected is the only group that has not been allowed to be itself, the native group. There have been so many things that have been taken away from them, so much of their life-style has been put aside, and they've been made to go according to what laws are coming down. Sometimes, in talking even to the people themselves, they feel that people coming from abroad have more rights than they do. I just wondered what position a multiculturalism group like yourselves holds in terms of the native people. I know you made a statement, a very brief statement, in your submission, but I just wanted to know what your position is in terms of promotion of being Canadian, the promotion of equal opportunity for all Albertans, and how you intend to include the Indian group to a greater degree, because they have not been involved in multiculturalism activities as much as they should be.

MR. OLINECK: Pearl, part of my answer is going to maybe sound repetitive, but I guess we're going to have to say it again. We really believe all Canadians are equal and should enjoy the same status. This includes the aboriginal people.

Having said that, we as a commission, however, also believe it's important to recognize the contribution that the aboriginal people have made to Canada as founding peoples before any one of us or our ancestors arrived here. I believe one of the most important ways that this can be accomplished is to open the welcome gates to them in many of the institutions that are out there and make sure that they do have an equal opportunity for access.

We in the Multiculturalism Commission have been trying to take a look at some of the contributions of these people, and wherever we see a bright light or spark plug, we feel it is important that we use this as an example so that others can see a very positive role model out there. I think part of the problem might be that there has been much work done to keep them in the background. We've got to bring all of their efforts, all of their opportunities into the foreground and really dwell on those who have made excellent contributions to society, but when there, they would be treated equally.

MS CALAHASEN: Thank you.

MR. EAPEN: I'd also like to mention to Pearl that we are so glad to tell you that we have an aboriginal with us as a commission member.

MS CALAHASEN: Yes, I know.

MR. EAPEN: Unfortunately, he had to go to another meeting. He's the past chief of the Goodfish Lake. It is also important to recognize the contribution aboriginals have made to Canada as a founding nation. We recognize that.

MS CALAHASEN: That's good. Thank you.

MR. ACTING DEPUTY CHAIRMAN: Thank you, Orest, Tom, Craig, and Moni, and we thank your commission.

MR. DAY: Mr. Chairman, could I just say that one night in the Legislature the hon. Member for Drayton Valley, Shirley Cripps, put to bed forever all multicultural competitiveness even among us as legislators. When we were having a bit of a debate, she rose to her feet and said, "Let's not forget the most important culture in Alberta is agriculture."

MR. ACTING DEPUTY CHAIRMAN: Thank you.

Our next presenter is the last presenter in our public hearings. I know of no one who has written more or made more contact with our officials. He came back from England today and then to Calgary and then from Calgary to here to make this presentation. Mr. Norman Pocock.

Mr. Pocock wanted to make sure that we emphasized that our secretary is no relative.

9:05

MR. N. POCOCK: We probably are, Garry, somewhere along the line.

MR. G. POCOCK: We saved the best for the last.

MR. N. POCOCK: In the first place, when I was a kid, I used to have birthdays and birthday cakes. Birthday cakes were very special, but the icing on the cake was the most special part. I always left it to the last. I congratulate you on doing the same.

Anyhow, I sent you all a copy of this. You've all read it. There's no point in going over it again. I don't have a written speech.

Oh, there is one thing. How many of you have read a book called the *Nine Nations of North America*?

MR. DAY: We're waiting for the video to come out.

MR. N. POCOCK: It's written by a newspaperman, and it is the first book of what I would call 'sociography.' He divides North America into regions, because the physical environment in which a person lives governs what job they do, it governs how they think, it governs what kind of people they are, and it governs their aspirations and their feelings and all the rest of it.

Here I outlined seven nations of Canada. The *Nine Nations of North America*, incidentally, did not take into account the north. The people of the north are totally different to the rest of Canada. Each one of those seven nations certainly could be subdivided again.

Never mind the poem. That was put in for Keith Spicer. He said he wanted to hear from poets, so I put some poetry in for him.

Then there are six pages here. Basically, I outlined the sickness that is affecting Canada now. People don't feel they're part of it. The west feels that the decision has been made before they've even closed the polls in the west because the decision is made in the east.

About 15 years ago I heard of a band of Eskimos – I think it was Banks Island – and they had a genuine grievance. At enormous cost to them, colossal cost, they sent their chief and deputy chief to Ottawa to explain the problem to the government. They were turned away by the first 18-year-old secretary they met because they didn't have any political clout. That's wrong: plain, flat wrong.

In writing this, I first outlined the seven nations. I then came up with the disease. Each of those seven nations feels, to a certain degree, alienated, so you might say that the problem is alienation. Admittedly there is a pun there, but it isn't all that damn funny. We've got to remove that alienation so that everybody feels part of Canada. I said: "Right; we've got rep by pop. That's fair enough." It can get a little overboard. The trouble is that you get a Prime Minister who is elected with an absolute majority, and he's virtually a dictator for four years. You can't recall, you can't criticize, you just have to take whatever he dishes out, and if he wants to sell us out to Quebec, then he will. I certainly wouldn't trust our present Prime Minister to bargain for Canada with Quebec. I know very, very few Albertans who would trust him to wheel a baby carriage to the end of the block, for that matter, who would trust him to bargain with Quebec on behalf of the rest of Canada. Somehow we have to get everybody involved. So I said: "Right; we have the House of Commons on a rep by pop basis. What do we do with the Senate?" Well, we've just lost our only elected Senator, and I think it will be a frosty Friday in Miami in July before Brian Mulroney appoints another elected Senator from Alberta.

In the back I outlined one or two things. I gave you the map of Canada. I then gave you . . . The first one is the eastern Arctic and the western Arctic as certainly being two potential provinces. I think Yukon is definitely a potential province. They're rather thinly populated at the moment, so for the moment they should have two Senators each.

Then here – I apologize to you, Pearl – I made a line roughly from the North Pole to Winnipeg and onto the border, split Canada in half, and said half for the eastern native peoples, half for the western native peoples. There would not only be enormous differences between different native peoples, but it would be an almost unmanageable constituency. Probably it will be northeast, southeast, northwest, southwest. That's just to start with. The whole point is that civilization is not static. It moves; it changes daily. Look what happened in Russia daily. Incidentally, in this, and I wrote this in July, I said that we can no more keep Canada together by trying to rule it from one central point than they'll be able to keep Russia together. That was some time before, but I never expected it to happen so fast or so thoroughly.

I've therefore taken care of the Arctic and the natives. This is in a 104-seat, 108-seat Senate. The rest here, if you will notice – I tried to outline it on some of them anyway – I put in 48 different senatorial districts in what we know as "provincial Canada." I deliberately, wherever I could, made those senatorial districts cross provincial boundaries. This is because . . . Well, Mr. Rostad, if your kid and my kid get into a squabble on a school yard and we go along to untangle it, you have a tendency to be on your kid's side; I have a tendency to be on my kid's side. But if two of your kids get into the backyard and are "learning to communicate," you've got to kind of go out and keep it down to a dull roar and just find out what's happened, and you have to be evenhanded because you love them both evenly. Now, if a pair of Senators definitely have interests in two provinces, then the Senate as a whole is designed to think for Canada as a whole. The province is totally out of it, but the provinces as provinces definitely do have to have a say because they are units, they are governing specific areas, so they should have a say on their own.

Now, the United Kingdom and the United States are not bicameral; they're tricameral. In the United States they have the House of Representatives, they have the Senate, and they have the executive branch. If a law is passed that the President doesn't like, he vetoes it. On the other hand, the President certainly can, not directly but he certainly can, propose legislation or get legislation proposed.

9:15

In the United Kingdom, although it is done very, very much – I'm not sure whether this is the right term, sub rosa – kind of underneath the table, there is the House of Commons, the House of Lords, and the Crown. The Crown has a great deal of persuasive power and also – being a lawyer, you could correct me on this – the Crown has the power to overturn any judgment of any court without creating a precedent. It does it only under certain circumstances. So what I'm saying is that they're both tricameral.

I don't know how many of you come from a farm or have been on one, but how many of you would try and milk a cow on a two-legged stool? I think you'd find you were covered in milk and a great deal of other stuff before you'd finished. A three-legged stool, fine. In this proposal legislation could be put forward by any one of the three camerae, but it would have to pass all three to become law. If, on the other hand, it was proposed by the Commons, passed the Senate, and is turned down by the council of ministers . . .

Now, that third camera I didn't quite clear up. It's composed of the councils of the Prime Ministers of all 13 provinces – the 10 we have now plus Yukon plus the western Arctic and the eastern Arctic – with the permanent chairman being the Prime Minister of Canada. Now, if that turns it down, it goes back to the Commons and the Senate, and if it's passed by a two-thirds majority, it's law regardless.

I also put in a proposal which as politicians I can well understand your being somewhat not altogether in favour of. That is initiative, referendum, and recall.

Initiative. If people want a particular law, they can get 3 percent of the electoral roll to sign a petition. They get an initiative on it. If it's passed, it becomes law. Okay.

A referendum. A law is passed by the government. If enough people don't like it, they can have a referendum, and if it doesn't pass, it's thrown out.

The recall. If they don't like the way their MLA or Member of Parliament or Senator is voting on matters that concern them, then they can call for a recall. He can be recalled, and another election is held, which he may contest if he wishes.

I put at the back here, and I know the professor at Oxford that said this: it has been said that it's possible to destroy the case for democracy as a form of government in 10 minutes of logical argument and for any other form of government in five. It's a lousy form of government. It really is lousy, but it's the only one we've got, and it's the best one we've got at the moment. The absolutely ideal form of government is a benevolent dictatorship. Because all power corrupts and absolute power corrupts absolutely, you can't have that. It don't work that way.

This is not by any means a finished article. As I understood it, we were being asked: "What's wrong with Canada? How are you going to fix it?" It's no good people coming in and saying, "This is wrong, that's wrong, something else is wrong," without coming out and saying, "We can fix it by this or by that." In this case we would have, yes, any law that got into legislation would be darned thoroughly looked at from a population point of view, in the Commons from a 'sociographic' point of view.

I must apologize. I needed a science of 'sociography,' so I invented it. I mean, if you haven't got something, you can either make it or borrow it or buy it or steal it or invent it. Of all of them, the best one is to invent it. The science of being able to delineate different kinds of peoples and make them the senatorial districts means that people who think in a certain way would get their representation, would get their point of view put forward. Those 200 Eskimos on Banks Island would have had two sets of Senators. They'd have had native people's Senators; they'd have had their west Arctic Senators.

I beg your pardon. Go on.

MR. ACTING DEPUTY CHAIRMAN: Maybe we'll get into some questions now. John.

MR. McINNIS: Good morning, Mr. Pocock. Could I ask you a question? It seems to me that you've put a considerable amount of thought into this proposition. The immediate attractiveness of it for me is that it incorporates, number one, the desire for Senate reform, and secondly, a desire that many people have that the provinces be treated equally within government. You've done that essentially through the device of creating a third chamber which would represent the provinces equally, and then you've reformed the representation in the Senate, which is more or less what the federal government says it wants. The only concern I have is how difficult it might be to get all three chambers to agree on the same proposition more or less at the same time. It occurs to me that if there were some difficulty in that way, that would tend to enhance the position of the bureaucracy vis-à-vis the government, because from what I know happens when politicians can't make strong decisions, the bureaucracy kind of takes over and runs things. For example, in some of the unstable periods in France and Italy, that seems to me what's happened. I just wondered if you see that as a concern.

MR. N. POCOCK: No, Mr. McInnis, I don't. One of the reasons is this. Yes, you will inevitably get a lot of "deal-making." Like the House of Commons has a pet law it wants passed, and the Senate has a pet law it wants passed. The Senate says, "Okay, we'll pass yours if you'll pass ours."

My view of the council of ministers is not that it would meet every day. The details of legislation coming up in either of the other two Houses would go before each Legislature or each province's cabinet, and either on a legislative vote or on a cabinet vote they would decide which way they want to go on it. Then either they could meet by way of using modern technology and a kind of closed-circuit TV hookup sort of thing from all over like Keith Spicer did, or they could send their ministers of governmental affairs to a central point to discuss it, or if it was a very special and a very important thing like a constitutional change . . . Personally, here I would say I think the worst thing that ever happened to this country was to get a Constitution. I think that Charter was ridiculous for one reason: that it did not take into account that civilization is changing always, day by day. If you write something down like that, you've cast it in stone, and the only people who are going to make money are the lawyers, whereas a country that has no Constitution, like the United Kingdom, can make little changes all the way along, and nobody even notices they've been made. It can keep pace with their changes. Their population is totally changed.

Any other questions?

MR. ACTING DEPUTY CHAIRMAN: Stock.

9:25

MR. DAY: Mr. Chairman, just one quick question, if it can be easily answered; if it can't, then maybe we could talk some other time. Why don't you just recommend that we scrap the whole constitutional process, then, and go to common law and precedent?

MR. N. POCOCK: I would say that would be a damn good idea. On the other hand, the thing is that you cannot govern Canada like you would govern Holland or Belgium or Britain for that matter. I mean, Britain would go two and a half times into Alberta, and the population of the whole of Canada would go nearly three times into the population of Britain. They're very, very close together, yet there are differences within there that are looked after by different people coming from different parts of the country. In this case, we have such an enormous country with enormous differences. You can't tell the difference between a southern Albertan and a Montanan. You've doggone nearly got to look at what flag he's flying over the post office to see which country you're in. There's much more connection north-south than there is east-west.

MR. ACTING DEPUTY CHAIRMAN: Any other questions?

Mr. Pocock, I want to thank you. I've read your documentation. It's interesting and, as John said, well thought out. We'll be taking it into consideration. Thank you for coming tonight and making your presentation.

MR. N. POCOCK: Thank you.

MR. ACTING DEPUTY CHAIRMAN: We'll cease it now, not because there isn't more interest, but as I mentioned earlier, after 12 and a half hours of sitting here, I'm not so sure we're going to absorb anything more that you say anyway.

MR. N. POCOCK: That's why I didn't bother to read anything; you couldn't take it in.

MR. ACTING DEPUTY CHAIRMAN: I appreciate that. It's probably one of the risks of being the last presenter in a long day, but we do appreciate your efforts and your coming tonight. I understand you were in England. You're probably still on England time and up for tea now.

MR. N. POCOCK: It's now half past 4 in the morning, according to me. I know what a long day is.

MR. ACTING DEPUTY CHAIRMAN: Well, that's about when Stock gets home.

Thank you very much.

MR. N. POCOCK: You're very welcome, sir.

MR. ACTING DEPUTY CHAIRMAN: That is the end of our public hearings. I'd like to thank publicly everyone that has come forward, given their presentations today and any other day that the committees have met.

The committee is still accepting representations in written form, and the 1-800 number will continue to run too, because we are not finished our process. We're going to be meeting with the federal panel that has just been struck in the last few days, and we'll be having, as you heard earlier tonight too, a round table with the aboriginal community to have dialogue on self-government initiatives, that type of thing. We'll have to quickly, as well, get together and now try and compile all the data, which we're being assisted with, so that we can bring forward a report and some recommendations to our Legislature in time to be effective in formulating Alberta's position in the new Canada.

I thank you, and I thank the staff of *Hansard* and the staff of FIGA, the Federal and Intergovernmental Affairs department, who have helped co-ordinate and assist this, the legislative staff, and, most importantly, the public. Thank you.

[The committee adjourned at 9:29 p.m.]